

**TUESDAY, 19 JULY 2011**

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**ESTIMATES—LEGAL AFFAIRS, POLICE, CORRECTIVE SERVICES AND  
EMERGENCY SERVICES COMMITTEE—JUSTICE AND  
ATTORNEY-GENERAL**

**Estimates Committee Members**

Hon. DM Wells (Chair)  
Mrs JM Attwood  
Mr JP Bleijie  
Mr CJ Foley  
Mrs BM Kiernan  
Mr J-PH Langbroek

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**In Attendance**

Hon. PT Lucas, Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State

**Department of Justice and Attorney-General**

Mr P Reed, Director-General  
Ms A Gardiner, Director, Corporate Governance

**Crime and Misconduct Commission**

Hon. M Moynihan AO QC, Chairperson  
Mr W Strange, Assistant Commissioner, Misconduct

**Queensland Electoral Commission**

Mr D Kerslake, Electoral Commissioner

**Legal Aid Queensland**

Mr A Reilly, Chief Executive Officer

**Queensland Information Commission**

Ms J Kinross, Information Commissioner

**The Public Trustee**


Mr P Carne, Public Trustee of Queensland

**Queensland Ombudsman**

Mr P Clarke, Queensland Ombudsman

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**Committee met at 9.30 am**

 **CHAIR:** Ladies and gentlemen, it being 9.30 am, I would be grateful for your attention. I declare the estimates hearing of the Legal Affairs, Police, Corrective Services and Emergency Services Committee open. I am Dean Wells, member for Murrumba. On behalf of the committee and indeed on behalf of the legislature, I welcome members of the executive arm of government to the thankfully extinct Legislative Council and to the estimates hearings for 2011.

The deputy chair of the committee is John-Paul Langbroek, member for Surfers Paradise. Other members are Julie Attwood MP, member for Mount Ommaney; Jarrod Bleijie MP, member for Kawana; Chris Foley MP, member for Maryborough; and Betty Kiernan MP, member for Mount Isa. The legitimate

chair of this committee is Barbara Stone, who, however, is representing this parliament at a meeting of the Commonwealth of Nations. As a result of that, the flux of political life has thrust me into this position to take the role of chair.

The committee will examine the expenditure contained in the Appropriation Bill 2011 for the ministers and areas of responsibility allocated to it under schedule 6 of the standing orders of the Legislative Assembly. The committee will consider the relevant organisational units within the portfolios of the Attorney-General and the Minister for Police, Corrective Services and Emergency Services.

The committee has determined to suspend proceedings for the following breaks: morning tea from 11.30 am to 11.45 am—I will just take a little while on these constitutional issues—lunch from 1.15 pm to 2.15 pm, afternoon tea from 3.45 pm to 4 pm, and dinner from 6.30 pm to 7.30 pm. In the time honoured traditions of the Westminster system, these times will be subject to variation according to the flow of business and the random whims of the chair.

I remind all those participating in the hearing today that these proceedings are similar to parliament to the extent that the public cannot participate in these particular proceedings. Members of the public wishing to make submissions to parliamentary committees can do so by appointment in other circumstances. In this regard I remind members of the public that under the standing orders the public may be admitted to or excluded from the hearing at the discretion of the committee.

The committee has resolved that the proceedings of the committee be broadcast and that photography be allowed during the chair's opening statements and the introductory statements of each minister, as well as for a short period during any changeover in organisational units. I ask that people with mobile phones or pagers who have not recently communed with them to switch them to silent mode.

I remind honourable members and others that recent changes to the standing orders now provide that directors-general and chief executive officers, as set out in schedule 7 of the standing orders, may be questioned directly by the committee. This particular committee has resolved that non-committee members be given leave to attend. None at this stage have notified the committee that they wish to do so. For the benefit of Hansard, I ask departmental officers to identify themselves before answering a question, not that Hansard do not know who you are but the point is to prove it.

I now declare the proposed expenditure of the relevant organisational units within the portfolio of the Attorney-General open for examination. The question before the committee is—

That the proposed expenditure be agreed to.

Mr Attorney, I know you like a little bit of latin. May I offer you the legal maxim *ut res magis valeat quam pereat*—it is better that the determinations of the legislature be construed so that they make the maximum amount of sense. Mr Attorney, if you wish, you may make an opening statement. The committee has resolved to invite you to do so. I remind you that there is a time limit of five minutes.

**Mr LUCAS:** Thank you, Mr Chair, Deputy Chair and committee members. I am very pleased today to have the opportunity to discuss the budget allocation for the Department of Justice and Attorney-General. Queenslanders have every reason to be confident that the Bligh government is continuing to build a safe, fair and just Queensland.

We are investing \$1.060 billion in justice in 2011-12. This budget defends the most vulnerable Queenslanders through a \$798 million investment in justice services. That includes \$16.6 million to Legal Aid as part of our \$61 million commitment over four years to provide services for vulnerable Queenslanders; \$5.2 million as part of \$20.3 million over four years for the Office of the Adult Guardian, which provides an important service in protecting the rights and interests of adults with impaired decision-making capacity; \$31.4 million to Victim Assist Queensland, which will continue its vital work as a one-stop shop for assisting recovery of the victims of violent crime; \$2 million for the operation of the Murri courts and the Queensland Indigenous Alcohol Diversion Program; and \$4.1 million to community justice groups of ATSI communities to develop strategies to deal with justice related issues and decrease ATSI contact with the justice system.

Further, the Bligh government is continuing its significant investment in capital works, with \$262 million allocated for key projects. This includes \$224 million for the completion of Brisbane's Supreme and District Court buildings scheduled for completion mid next year, a further \$1.3 million to upgrade the Maroochydore courthouse and \$830,000 for the upgrade of the Mackay courthouse.

In addition to justice services and bricks and mortar infrastructure, Queensland is driving reform through a range of initiatives. Queensland is leading the way on a crackdown on the consistent regulation of gift card practices to protect consumers from dishonest operators. I raised the issue at the Ministerial Council on Consumer Affairs in Canberra on 3 June this year and gained the support of the Commonwealth and other states and territories. Specifically, three key matters I want looked at are: what happens to interest on money from gift cards, what happens to unspent moneys, what happens if the company goes broke. We will now work closely with the federal government and with other states and territories to ensure a uniform approach is applied.

In 2010 the Bligh government announced its intentions to introduce a tough new sentencing regime of standard non-parole periods for certain serious violent offences and sexual offences. Queensland's Sentencing Advisory Council has been asked to examine the appropriate offences to which the standard non-parole period should apply and the appropriate length of the standard non-parole period for each of the offences. The Sentencing Advisory Council recently released a discussion and research paper on standard non-parole periods, and consultation is currently underway.

Child sex abuse is absolutely devastating for the victim and something young persons have to live with for the rest of their life. Vigilance needs to start at home. In almost 80 per cent of cases where the victim is aged zero to nine the offender is a family member or someone the victim knows. In an effort to ensure that harm experienced by child victims of sexual offences is reflected in the punishment of offenders, I have asked the Sentencing Advisory Council to conduct a review of sentences imposed on child sex offenders. The Sentencing Advisory Council will report back to government by 30 January 2012.

This government has a record for taking a strong stance against drugs and those people who illegally make, sell or use dangerous drugs that ruin so many lives. That is why in June this year I announced that we will introduce changes to the Drugs Misuse Act to ban synthetic cannabinoids such as Kronic. Young people deserve to be able to go out without the risk of alcohol or drug related violence and other antisocial behaviour. In December 2010 we committed \$8.5 million to the two-year trial of the Drink-Safe Precinct initiative in Surfers Paradise, Townsville and Fortitude Valley. The results speak for themselves. Within the first three months, there were an additional 7,960 police patrol hours across the three entertainment precincts, more than 1,000 arrests and seven people banned from the precincts, and 168 licensing breaches issued—just to name a few.

The Bligh government's investment in services, infrastructure and reform reflects the vital importance of this portfolio. I look forward to driving this investment in this coming financial year.

**CHAIR:** I call the honourable member for Kawana.

**Mr BLEIJIE:** Thank you, Mr Chairman. Thank you, Attorney, and welcome to other officers today. Attorney, I refer you to my question on notice No. 3. I asked specifically in that question what the total outstanding fines were being managed by SPER in the four categories as at June 2011. I note that there was no direct answer given to that question on notice other than simply referring me to a website. I understand that this is the second time that I have been referred to this department of justice website when I asked the same question not too long ago. I do not want to cast any reflections on past or present ability to manage portfolios or system management, but how is it that a simple answer with a total figure cannot be provided for a parliamentary question other than referring people to a website? Surely there are officers in the department who can cut from the website and paste into a parliamentary answer and give a total figure as was asked.

**Mr LUCAS:** I thank the honourable member for the question. The purpose of parliamentary questions is not to do work for members of parliament that they can otherwise easily do. The honourable member indicated that in previous questions he was referred to the particular website. Similarly, for example, it is not uncommon with an RTI application that attention be specifically drawn to what is available in the public domain. The push model of information encourages the provision of information in the public domain, and that is certainly something I am keen to have. That is why, for example, the information is on this website. That is why, for example, the honourable member can go and collect it and secure it from there.

The honourable member is an intelligent person and I know he is capable of totalling things himself. In fact, I understand that the honourable member has made comments in the media about the SPER issue. So clearly he is not in any way, with respect to his parliamentary duties, distracted from the ability to perform them. Where there is clearly easily available information in the public domain for the honourable member to secure, he should use those mechanisms to secure them.

**Mr BLEIJIE:** Thank you, Attorney. So are you saying it is too hard for the department to cut and paste from the website and put that into an answer?

**Mr LUCAS:** I thank the honourable member for the question. One of the really important things to remember is that there are many sources of information that are available in the public domain. I have pointed out to the honourable member before that there is information available in relation to this on the departmental website. Notwithstanding that, the honourable member has sought the information again. The website is about making information available to everybody. It is not the role or the function of parliamentary committees to place unreasonable demands on departments in terms of research or other things—I am not contending in this case that that was the situation—or, alternatively, to provide access to information that is otherwise clearly in the public domain. That information is clearly in the public domain. It is there for the honourable member to secure. It is there for anyone of the public to secure. The information is out there—full pieces of information.

In fact I am very, very proud of the work that SPER has been able to do this year when it comes to the value of debts. We have collected about \$1 billion in debts since SPER was first encountered. What used to happen with fine defaulters—I do not know whether the honourable member would remember

this case; I certainly do and Mr Chairman would remember it. There was a very celebrated New South Wales case of a young gentleman called Jamie Partic, who ended up in a coma as a result of being in Long Bay jail serving time for fine defaulting. The whole idea and concept of SPER was to make sure that we avoid people serving time in jail which actually costs the state money but at the same time poses a very significant physical risk to fine defaulters.

**Mr BLEIJIE:** I take it that the information will never be provided in a parliamentary answer because it is always going to be available, you would assume, on the website. What is the total figure of total outstanding SPER fines?

**Mr LUCAS:** I am advised as at 30 June the total value of debts registered with SPER is \$680 million. SPER does not issue the fines it collects. For example, many of those fines are for the Brisbane City Council or the University of Queensland. If you go out there and you park and you do not pay your bill or if you have a fine in relation to the Brisbane City Council, they are then referred to SPER for collection. That is not the fault of the state government that those cases are the fact.

As at 30 June 2011, we had collected \$1.04 billion in fines since commencing. The highest was \$166.4 million in 2009-10. This financial year the amount collected was \$158.3 million. For 2010 collections, there was \$152.5 million in unpaid fines and fees and \$5.8 million in lodgement fees; and, as at 30 June 2011, \$133.9 million was returned to the Queensland government, \$9.2 million was returned to agencies such as local governments, universities, et cetera, and \$14.2 million was paid to beneficiaries of court orders such as victims of crime and prosecuting agencies.

As at 30 June 2011, there was a fine pool of approximately 3.5 million fines worth approximately \$680.4 million. There were four key categories: some 828,868 debts under active compliance worth \$208.3 million; 79,840 debts worth approximately \$26.4 million subject to active enforcement; 1,375,238 debts worth approximately \$345.7 million either queued or waiting enforcement or further information before enforcement action could be taken; and 297,087 debts worth approximately \$100 million deferred from enforcement action due to various circumstances.

In relation to the debts requiring further information, it is really important to remember that you cannot just execute a process or deal with people if you do not have full information. For example, for approximately 15,000, there was no Queensland driver's licence; for approximately 122,000, there was no date of birth; for approximately 131,000, there was no valid address; and for 103,000, there was no current suitable enforcement action available.

I note that the honourable member mentioned in the media that people should do community service. You do actually have an option of converting your fine to community service. One of the issues, however, is that the last thing you want to do is have someone do community service who is not suitable for doing it. What they do is they muck it up for the other people who are doing it and it in fact costs more in terms of supervision. I am happy to expound on that, should the honourable member seek some further information, including why the SPER recovery this year is slightly down on what it was last year and that is predominantly due to the floods and cyclones and various amnesties that were granted as a result of that.

**Mr BLEIJIE:** I went to the website and after finding the right to information statistics there was the figure. I note you put out a press release and it is reported in the media today that there is a record level for 2009-10 of \$166 million in collections. I also note while we are on the subject of records that there is a record debt of outstanding fines of \$680 million. This website has the 2010-11 period where it notes \$158.3 million, and I will table a copy of this for your information. It says, 'The following chart shows the total amount of debt and fees collected each financial year.' There is an asterisk under this figure for 2010-11 and it says, 'Debts registered with SPER.' So is this \$158 million fees collected or registered? I table a copy of that.

**Mr LUCAS:** I am advised collected. The advice that I am given from the director-general is collected and that was my understanding of the case. Can I just say that you mentioned the issue of the record level of debt, and of course it will continue to increase as the population of Queensland increases and time goes on. There are many debts that are incurred by people. SPER does not write debts off essentially and there is a reason for that. For example, if someone is imprisoned in relation to a very serious criminal offence and they might have in the past been ordered to make a payment of a criminal compensation claim, they may not have the ability to make that payment because (a) they are in jail and (b) frequently those sorts of people do not have any assets, and the state makes the ex gratia payment. That debt then sits there and it will sit there essentially for a long period of time and, therefore, it will accumulate with others.

The alternative is to write that debt off. I suppose you can do that and that then would lower the figures but my view about it is this: I have seen a number of instances where someone has subsequently been the beneficiary of a criminal compensation order themselves and the advice from the department has then said, 'This person has previously been ordered to pay and therefore that should be offset against the money that they otherwise would have got.' So, yes, it will over time continue. You would expect that to be the case.

I am advised, sorry, that some debts are written off, but that is very, very rare. I might ask David Mackie from SPER to comment further on that. Sorry, he is not here.

**CHAIR:** I have a question relevant to this line of questioning. You mentioned a moment ago, Mr Attorney, that there was interaction between the floods and the cyclones and SPER and that you would be prepared to mention a bit more about it. Would you care to do so?

**Mr LUCAS:** It is important to remember that SPER deals with the collection of debts not just for people who have committed very serious offences; as I said earlier, it deals with people who have not paid a parking fine if that fine is then referred to SPER for collection. In relation to those areas that were affected by floods and cyclones, the deferral of enforcement of SPER was undertaken for a period of time, which off the top of my head concluded on 31 March, I think. In relation to the driver's licence suspension, which is a very powerful tool, that was reintroduced as a tool from 1 July. That, more than anything else, would be an indication as to why, whilst the level of debt collection from SPER for 2010-11 was very high, it was not as high as the year before. If that had not been there, I think we could predict with a reasonable level of confidence that that would be the case.

Some people might have thought, 'We'll get stuck into people notwithstanding the flood and cyclones,' but as I said before often these are situations where someone has got a parking fine and the like so it is easier to actually as a whole suspend that enforcement. That is what was done and it was made known very publicly of course.

**Mr BLEIJIE:** I am going to direct a question to the director-general of the department. Can the director-general confirm that the fine pool managed by SPER has in fact blown out by more than \$1 million per week for the past several years, from approximately \$460 million in January 2008 to \$680 million last month?

**Mr Reed:** The fine pool has increased over that period. It is not a blow-out; it is just an increase in the number of fines and the number of PINs that get issued et cetera. The department, as you have seen on the website, is actively collecting fines on a regular basis at record levels.

**Mr BLEIJIE:** Thank you, Director-General. This \$200 million blow-out I guess is a major embarrassment, but can the director-general explain to this committee why the former Attorney told parliament last year that the total fine pool managed by SPER consisted of two categories totalling \$300 million when the actual fine pool managed by SPER consisted of four categories totalling \$600 million, double the amount admitted by the former Attorney-General?

**Mr Reed:** I cannot speak for the former Attorney-General. I have been director-general since October last year and the information we have always provided has been the four categories.

**Mr BLEIJIE:** Since when?

**Mr Reed:** We have always had four categories within the department.

**Mr BLEIJIE:** I guess the Attorney receives advice from the department. How is it that a parliamentary question was answered showing two categories totalling \$300 million?

**Mr LUCAS:** Well, Mr Chair—

**Mr BLEIJIE:** I am sorry, Mr Chairman, I asked the director-general.

**Mr LUCAS:** On a point of order, Mr Chairman: if the honourable member has an issue with the former Attorney-General's conduct in the chamber, then there are mechanisms by which the honourable member can address that. The honourable member can ask questions about issues in relation to the estimates but theorising about the matters before the former Attorney-General is a matter for other places in the parliament to deal with.

**CHAIR:** On the point of order, would the member for Kawana phrase his question so that it relates directly to the matters under scrutiny at this estimates hearing.

**Mr BLEIJIE:** Thank you, Mr Chairman. The question to the director-general is this, and I will rephrase the question. The current Attorney-General, through the department, has issued an answer when asked what the total debt pool was and referred to a website which does include four categories. How is it that a question asked at one event has two categories and then a similar question when asked of the same department now has four categories noted on the website when it was not the fact beforehand?

**Mr Reed:** The current website is the current website. It was updated on 31 March by me and it reflects the current situation of the four categories.

**Mr BLEIJIE:** Director-General, senior departmental officers have repeatedly claimed that the former Attorney directed the department to never publish or disclose the total debt because he did not want it reported. The former Attorney has repeatedly denied those claims, despite concealing the total in an answer to question on notice No. 2254. Can the director-general please inform the committee who is telling the truth—the department or the former Attorney?

**Mr LUCAS:** Where is your evidence that a directive was issued? There is no evidence that that was the case. You are claiming that as a fact. On a point of order, Mr Chairman: this does not relate to the matters of scrutiny in this budget.

**Mr BLEIJIE:** Mr Chairman, for the benefit of the committee and the Attorney-General, I would suspect that \$680 million in unpaid fines, specifically mentioned in the budgetary items and the Service Delivery Statements, is particularly relevant when we are talking about nearly a billion dollars in money; it is particularly relevant. The Attorney-General has asked for evidence. I table a copy of an email from Phil Clarke, who was the deputy director-general at the time, to Paul Turner, Peter Nibbs, David Mackie, Rachael Mackay, Jo Phillips, Paul Murray and Tim Goodwin. This email from Phil Clarke said—

This may all be correct, but the AG has asked that he NEVER see the \$550M figure in print. He has asked that only the breakdown figures are ever released for publication. On this basis, we should remove the total figure and just show the breakdown.

I table that for the benefit of the Attorney-General.

**CHAIR:** Order! Under standing orders, honourable members can table documents. However, the questions have to be related to the issues before the estimates hearing. So I would ask the member for Kawana to please phrase his question so that it relates to an issue before the estimates committee.

**Mr BLEIJIE:** Thank you, Mr Chairman. The Attorney-General had asked specifically what evidence I had with respect to this line of questioning. I am now providing the committee and the Attorney-General with that evidence.

**Mr LUCAS:** With hearsay.

**Mr BLEIJIE:** I now table a copy of an email from Paul Murray, where again, Mr Chairman—

**Mr LUCAS:** But Paul Murray is not Cameron Dick.

**Mr BLEIJIE:** It is to Paul Turner, Jo Phillips and Tim Goodwin. It states—

... the AG has made it quite clear to us that he does not want the overall total reported on so can you please remove the total ...

I table that for the Attorney-General's benefit. I also table a final copy of an email which, when questioning why the department does not disclose the total figures, says—

Ours is not to reason why. All I know is he has had a huge spit over it and I don't want to go through that again.

My question to the director-general is this: are you aware of the allegation of a huge spit over the total amount of SPER outstanding payments reported?

**Mr Reed:** Certainly I am aware of those emails, but I am also aware that neither the director of SPER nor his executive director were ever personally involved in any discussion with the former Attorney in those terms.

**Mr BLEIJIE:** Director-General—

**Mr LUCAS:** I think this matter was referred to the CMC and it was disposed of.

**Mr BLEIJIE:** Director-General, is it not a fact confirmed by your director of ethical standards that the department and former Attorney's office repeatedly misled the media and public about the size of the total debt pool through incomplete and highly misleading data on the RTI webpage and incomplete and highly misleading responses to direct media inquiries about the total size of the debt pool?

**Mr Reed:** No, that is not correct. The matter was brought to my attention on 7 March this year and on 31 March I changed the website to include four categories of information.

**Mr BLEIJIE:** Thank you, Director-General. So the matter was brought to your attention. I assume you mean by the director of ethical standards?

**Mr Reed:** No, not at all. It was brought to my attention by a staff member.

**Mr BLEIJIE:** Had you spoken to the director of ethical standards about this issue?

**Mr Reed:** Not at that time.

**Mr BLEIJIE:** Thank you, Director-General. What evidence then made you change the website or update the website to now record the four totals?

**Mr Reed:** The issue was raised on 7 March with me that there had been a change. I was unaware up till that point that there had ever been a point where there were four categories on the website. Upon reflection on those, on 31 March I changed the website to include those four categories.

**Mr BLEIJIE:** Director-General, you have noted that you have read those emails, some of which I have tabled. Are you not concerned about the contents of those emails between ministerial officers and your department that there were serious questions raised that, through the senior media officers, we should be disclosing the total categories as asked by the journalist and then subsequently not having those responses provided?

**Mr Reed:** I am not concerned. Clearly matters were brought to my attention. I considered those matters and I acted on 31 March. The matters were also considered by others, including the CMC. As far as I am aware, at the end of that process the website has four categories. The CMC did not find any misconduct in relation to this.

**Mr BLEIJIE:** So someone brought to your attention this issue. You have seen the emails. You then decide to change the website to reflect the totals. Would I be right in saying that had you not thought there was an issue you would not have in fact changed the website? There must have been something going on in your mind to want you to change the website to have the total numbers disclosed to the public whereas in the event prior to that it had not been, otherwise why would you change the website? If everything was fine, why not keep it as it was?

**Mr Reed:** As I have tried to explain earlier, on 7 March it was brought to my attention that the website had two categories; it had previously had four. On 31 March I changed the website to provide the four categories.

**Mr BLEIJIE:** Director-General, were you warned verbally or in writing that continuing to mislead the public would reflect badly on you and the Deputy Premier, which is why you then discontinued that practice and corrected the RTI webpage a few weeks later?

**CHAIR:** Order! Standing orders require that questions should not contain an imputation. Could you please rephrase that so that it does not contain an imputation?

**Mr BLEIJIE:** Thank you, Mr Chairman. Director-General, you have advised the committee that you had representations made to you. Can you advise who raised these issues with you?

**Mr Reed:** A staff member within the department. Do you want me to name him?

**Mr BLEIJIE:** Yes please.

**Mr Reed:** Paul Turner.

**Mr BLEIJIE:** And the outcome of those series of issues put to you was that you did change the RTI website and the reporting method?

**Mr Reed:** That is correct.

**Mr BLEIJIE:** Based on the advice and the concerns that Mr Turner had raised with you?

**Mr Reed:** I received a letter from him on 7 March. I considered that letter and on 31 March I changed the website to include the four categories.

**Mr BLEIJIE:** So would a reasonable person suspect that if someone comes to you in your department with an allegation and serious concerns put in writing and a few weeks later those concerns are alleviated to some extent by the public disclosure of the total amount of the SPER money, does it not give some justification and shows to some extent that the accusations may in fact be correct if you acted on them?

**CHAIR:** Order! Under standing orders you are not allowed to ask for an opinion. Could you ask your question please so that it does not seek a mere opinion from the person that you are asking the question of.

**Mr BLEIJIE:** Thank you, Mr Chairman. Director-General, with the representations made by Mr Paul Turner to you directly, which you have advised were made, was there any written correspondence entered into between the department and the Attorney-General's Department with respect to the issues that I have been raising?

**Mr Reed:** Sorry, the department is the Department of Justice and Attorney-General?

**Mr BLEIJIE:** Between your office and the Attorney-General's office with respect to Mr Turner's allegations?

**Mr Reed:** No correspondence.

**Mr BLEIJIE:** Any verbal communications between your department and the Attorney-General's office?

**Mr Reed:** Whenever issues are raised with me, I have to make a decision as to whether to inform the Attorney-General's office of these sorts of matters. So there was an awareness that I had received a letter, but that was just by information.

**Mr LUCAS:** It was on the public record that Mr Turner had complained.

**Mr BLEIJIE:** Mr Chairman, I will continue to ask the director-general if I may. Director-General, upon receiving the information from Mr Turner, what personal investigations did you take charge of in the department to substantiate the claims made by Mr Turner?

**Mr Reed:** I forwarded Mr Turner's letter to the Ethical Standards Unit within the department and asked for a view on what had been referred to in the letter.

**Mr BLEIJIE:** Thank you, Director-General. So you forwarded those concerns to the ethical standards department?

**Mr Reed:** Yes.

**Mr BLEIJIE:** Just correct me though: I am sure you said before that you have had no communication with the director of ethical standards.

**Mr Reed:** I do not think you asked me that question.

**Mr BLEIJIE:** We will check the record, but I am sure I asked with respect to the representations that you have had with ethical standards and if I am right you indicated there was none.

**Mr Reed:** I do not believe you asked me that question.

**Mr BLEIJIE:** Okay. I table a copy of this obtained through right to information which is what I believe is the ethical standards issues brought forward to you where it talks about these certain issues. I just want a confirmation from the director-general that this in fact is the representations from the Ethical Standards Unit to the director-general. If the director-general can take a look at that, I would appreciate that advice.

**CHAIR:** While the director-general has the opportunity to examine this, on the same line of questions, the member for Mount Ommaney has a question relating to SPER.

**Mrs ATTWOOD:** Just talking about fines again, Minister, could you outline some of the government's measures to ensure that fines are being paid off?

**Mr LUCAS:** Certainly. Just while I am here, I might table, with your leave, Mr Chairman, a transcript from 612 ABC Madonna King dated 22 October 2009 where Cameron Dick was asked how much in fines is currently outstanding and he said—

Look, the total fine pool in Queensland is about \$500 million.

So he was so much hiding it, he did it on Madonna King. I will table that. That is how much he was hiding the issue.

In relation to the issue of SPER, there are a number of particular areas where we have in the past collected and in fact in the future are seeking to improve our collection of fines. As I said before, the actual mechanism traditionally in relation to fine defaulting was either someone did community service and if they did not do it they went back to court and either they were put in jail or they were fined. If they did not pay the fine, they were then put in jail on default. The cost of someone going to jail is about \$200 a day approximately. So they do their time in jail to notionally pay off the fine and then cost taxpayers at the same time \$200 a day. So that is 200 bucks a day approximately that could be going into schools in your electorate or other services or police officers and the like.

So what SPER has done is seek to undertake a number of particular initiatives in relation to collections—for example, vehicle immobilisation. From 1 January 2010 we have been undertaking a trial of vehicle immobilisation in conjunction with a seizure and sale trial. Preliminary investigations by our enforcement team have indicated that we have recovered about \$4½ million from identified debtors in total across both of those. As at 30 June 2011, the enforcement trial team had issued 171 vehicle immobilisation notices—essentially, wheel clamping. Of the 171 who had notices issued, 28 with debts of approximately \$319,000 have entered into a repayment agreement; two have finalised their matters in full; eight require further investigation; 17 have been referred for consideration of arrest and imprisonment warrants; two are still within the warning period; four are undergoing Police Service risk assessment; four were referred for seizure and sale; and 106 had immobilisation warrants issued. Of the ones who had had the warrants issued, seven with debts valued at approximately \$82,000 have entered into repayment agreements; we are looking at 21 for immobilisation; 12 require further investigation; 28 have been referred for consideration of arrest and imprisonment warrants; seven have been referred for seizure and sale; and 32 have had vehicles immobilised. How do we do that, because of course sometimes you are dealing with people who can be a bit difficult to deal with—recalcitrant? Officers wear high-visibility vests and operate in pairs. Cross-operation checks are done with the Queensland Police Service State Intelligence Group for current QPS operations. Criminal history checks and flagged persons—people with histories of perhaps aggressive behaviour—are identified and the Police Service attend the immobilisation if there is a possible issue with respect to that and they are actually notified when there is a clamping. That has been very successful in targeting individual recalcitrant debtor behaviour. I think it is fair to say that the evaluation thus far has been very positive.

Similarly with seizure and sale, as at 30 June 2011 63 debtors have had property issued with seizure notices for debts valued at \$1.4 million. Mr Chairman had an issue about Latin before. Of course if you own real property then a warrant of execution—otherwise known as a writ fieri facias, or a writ fi. fa. as they used to be called—are issued over the land. Of the 63 debtors, two have entered into repayment agreements; eight paid outstanding matters in full; two are currently within the notice warning period; nine were unsuitable for seizure and sale and have been referred to the evaluation process team for further consideration; and 38 debtors have been issued with warrants for seizure and sale. Of those 38, three debtors entered into payment agreements; two debtors settled matters before warrants were referred to the bailiff; one debtor is under further investigation; six debtors were referred to the warrant evaluation process team; and 27 debtors valued at \$324,000 were referred to the Brisbane Bailiffs



Office for seizure and sale. Again, this looks like it is very good and very much something that in the future we will look at further expanding, similarly trials of SMS messaging and the like. As I said, we use a writ of fieri facias—a writ of warrant of execution—as distinguished from a writ of capias ad respondem, which I do not think we issue anymore.

**CHAIR:** Under the standing orders it is necessary to seek leave to table. I ask honourable members of the committee if there is any objection to the tabling of the Madonna King interview. If not, that document is tabled. I return to the honourable member for Kawana.

**Mr BLEIJIE:** Director-General, when was it you said you met with Mr Turner when he expressed those views to you?

**Mr Reed:** I did not ever meet Mr Turner.

**Mr BLEIJIE:** When did you receive the information that you spoke of?

**Mr Reed:** On 7 March he provided a letter to me.

**Mr BLEIJIE:** And when did you update the website?

**Mr Reed:** 31 March.

**Mr BLEIJIE:** I table a copy, for your information, Director-General, of an email from Paul Murray, the director of the State Penalties Enforcement Registry, where the *Courier-Mail* was asking for information with respect to the total figures. This email is dated 1 March. Mr Murray notes in this email—'CSB are concerned she will look at the figures and go—hang on a minute those figures don't add up, what are you hiding?'

They then say—

Why aren't all the figures reported on the SPER website?

I understand that you were not the DG at the time but it is your department now. These were serious concerns raised. There is a series of correspondence, which has been tabled today and one I am just tabling now, which appears, if a reasonable person was looking at it, that the department, on whomever's advice, was trying to hide the total amount of the SPER fines. Clearly, in this email it says, 'Hang on a minute, those figures don't add up.' I table a copy of that for the benefit of the DG. Director-General, for the question to be asked, I also table copies of two pieces of correspondence. One is an email from Paul Turner. Does Paul Turner still work for the department?

**Mr Reed:** Yes.

**Mr BLEIJIE:** What is his role?

**Mr Reed:** He is a communications officer.

**Mr BLEIJIE:** A senior communications officer?

**Mr Reed:** I am not sure exactly at this time.

**Mr BLEIJIE:** I have an email from Paul Turner, senior media officer of the Communication Services Branch, to a Peter Nibbs. Are you aware who Peter Nibbs is?

**Mr Reed:** Yes.

**Mr BLEIJIE:** And CCed to a Jennifer Duncan, where he has put a draft response for the department as endorsed by the DG—

Journalist's deadline was 'lunch time!' Sorry to be dropping this on you so late. Cheers, Paul.

In that proposed response from the department it talks about the fine pool managed and does, in fact, mention the four categories. That email was sent on 15 October at 4.26 pm. Then there was an email of return from Peter Nibbs on 15 October at 4.41 pm sent to Paul Turner and CCed to Jennifer Duncan. Are you aware of that person?

**Mr Reed:** No.

**Mr BLEIJIE:** It says—

Revised response with minor changes.

So this is going back to the department. I note that in the 'minor changes' two categories are now listed and two categories of SPER have been deleted from that response, totalling some \$120 million. Director-General, I table those for your information. The question is: have you, as the current director-general, provided a full and frank investigation into these quite serious matters where we have ministerial media advisers amending departmental responses to put to the journalists? You will see that that email came 20 minutes later with minor changes, but does the director-general consider leaving \$120 million out of a response a minor change to a media response?

**CHAIR:** That last question contained imputations. Also I note that the member for Kawana has tabled a great deal of material for the guidance of the director-general but he will not have time to actually look at that material if he is going to answer the question instantly. For that reason I will pause your cross-examination there and I will invite the member for Mount Isa to ask a question.

**Mr BLEIJIE:** Thank you.

**Mrs KIERNAN:** Good morning, Deputy Premier. My question is about consumer protection. Page 3-169 of the Service Delivery Statements talks about improving safety and fairness to Queenslanders. Could you advise what actions you are going to take to protect Queensland consumers, particularly in relation to the investment in gift cards?

**Mr LUCAS:** I thank the honourable member for the question. When you buy a gift card or you give someone a gift card you deserve value for money. For my birthday the other day my middle son bought me some gift cards—as he is wont to do. Research shows that up 30 per cent of the \$1.5 billion annually spent on gift cards is never redeemed. These gift cards are not gifts to retailers. Gift cards are not licences for retailers to keep the money that people give them. In fact, the people are creditors of the retailers.

So 30 per cent is unredeemed. That is \$450 million that goes into retailers' pockets each year that they have done nothing for. Too many consumers are falling foul of expiry dates and other terms and conditions that prevent them from realising the full value of their gift cards. That is not on any measure fair. Many retailers operate across state borders. It is not really something that we can do at an individual state level, so a national approach is important. That is why at the national consumer affairs ministers' meeting it was agreed by the Commonwealth and my colleagues that they adopt a Queensland proposal that we commence work to ensure greater protection for people who buy and receive gift cards. So we are working with the federal government and we hope to release a discussion paper in the not-too-distant future to identify the best-practice regulation of terms.

But let us have a look at some of those particular aspects of gift cards that are important. First of all, what happens on insolvency? We saw recently that Borders went broke. When Borders went broke, people who had bought gift cards for their kids to buy books—in fact, I was at a ceremony the other day where the people who were presenting the prizes said, 'We are giving you a cheque this year because we bought book vouchers last year and they went wrong because the company went broke.' We saw that. So what happens on insolvency? You are converted to a mere creditor of the company. Is that a fair thing to happen? Should they be required to invest the money into a trust account? If you pay money to buy a house the real estate agent holds the deposit moneys in trust. So if the real estate agent goes broke or whatever, that money is still held there. Is there something that we can look at on that basis?

Secondly, in relation to change, if you have a \$50 gift card and there is \$6.98 left on it after you have purchased, should there be a minimum amount at which they can make you keep the value and then should they be required to pay you out that balance? Again, that is an issue that we want to have a talk to people about. Over what period of time should the card be valid for? Off the top of my head, Bunnings are very good. They say that they do not have an expiry date. But some retailers have a very short period of time and that is a disgrace. In some parts of the world two or five years is seen as an appropriate period of time for an expiry date. These are the sorts of issues that we see as important ones on which to take action.

**Mrs KIERNAN:** Thanks. That is good news, particularly about Bunnings. I have two sons and lots of Bunnings gift vouchers.

**CHAIR:** Are you declaring a vested interest in the pecuniary interest register?

**Mrs KIERNAN:** Maybe they should be. Minister, you mentioned trust accounts. Will these proposals be canvassed in the discussion paper, because that is a real issue? We all know that when Angus & Robertson went bust people were trying to redeem their gift cards and that was a substantial amount of money. Can you outline what the Office of Fair Trading may do now in instances of looking for redress for consumers?

**Mr LUCAS:** OFT provides a general advice service for people. It can frequently be of assistance to them where even, frankly, and ultimately in legal terms, they may not be able to recover, because good consumer practice is not necessarily following the letter of the law when it comes to retailers; it is about being responsive to the needs of consumers. 'The customer is always right' is a better philosophy than caveat emptor—let the buyer beware. So the OFT can be of great assistance there.

At the general level we are doing the policy work. One of those possibilities is requiring a trust account. Secondly, what would happen with the interest? If those big chains hold hundreds of millions of dollars in moneys to the credit of people who have bought gift cards, should they be able to invest that and keep the proceeds? That is not the case with lawyers and their trust accounts. It is not the case with real estate agents and their trust accounts. Yet retailers do not even put it in a trust account and can sit on that money and then accumulate interest as a result thereof. I think there is a very good argument that that money should either accrue to the individual or perhaps accrue to a consumer affairs benefit, or the like. If the company went into receivership, a trust would be a useful way of ensuring that that money was looked after and that it was only drawn down at the point in time that it was required.

One other thing I should note, though, is that in a receivership situation it depends on when title has passed in relation to the goods that you purchase. With a gift card, the problem is that it is simply a cash balance and a credit. We have often seen a number of situations—I think Clive Peeters was one of

them or one of their stores—where people had signed up to buy whitegoods and were converted to creditors. They did not have property in the individual piece of whitegood that they had bought, which caused great concern to them. Of course, credit card companies generally have an arrangement with their credit card holders that they will reimburse them for any money out of pocket as well, and that is something that is worthwhile doing. So the conduct of receivers in themselves are regulated by the Australian Securities and Investments Commission. So that is a very significant issue.

**Mrs KIERNAN:** Thank you.

**Mrs ATTWOOD:** Deputy Premier, I refer to page 3-183 of the SDS, which refers to an estimated \$4.3 million redress obtained on behalf of consumers by the Office of Fair Trading, and I ask: could you outline how the Office of Fair Trading goes about obtaining redress?

**Mr LUCAS:** Thank you. One of the key functions of the OFT is to help consumers resolve problems with traders. The estimated redress was exceeded this year. They were estimating \$4.3 million; they got \$4.8 million in redress for consumers in 2010-11, honourable member. This brings the total of redress achieved over the past three years to over \$17 million. Redress or compensation is obtained in two ways. One is conciliation, which involves contacting the consumer and trader and negotiating an acceptable outcome—so what is a fair thing in the circumstances? Another is investigation. When the consumer's complaint indicates a breach of fair-trading legislation, the enforcement tools may include the recovery of the amount of money. So there is either conciliation, where settlement is reached on a legal basis or merely a good business basis, or investigation, where there is a recovery either on the basis of legal recovery or on the basis of someone understanding that they have a legal obligation to refund.

OFT received more than 17,000 complaints in 2010-11. If a breach is found the matter is referred for investigation and possible enforcement action. Where no breach is detected, the agency can attempt to conciliate or negotiate with the consumer for an acceptable outcome. In 2010-11, 89 per cent—or 12,124 of a total of 13,623 conciliations—resulted in a satisfactory outcome. I have to say that they are obviously very conciliatory there, because 89 per cent reached a satisfactory outcome. That is very good work by the people in the Office of Fair Trading.

Satisfactory outcomes include refund, repair, replacement of the goods or sometimes simply an apology. Enforcement outcomes where a breach of fair trading legislation occurs include court enforceable undertakings where the trader provides redress to affected consumers and undertakes not to do it again, prosecution action and non-party redress. I will finish on this point: part of the new Australian Consumer Law allows what is called non-party redress, which means that you can actually, even though someone has not yet made a complaint, recover on behalf of consumers who may have been ripped off, if they have not yet made a complaint, because they belong to a category of people.

**Mrs ATTWOOD:** Can you offer any examples, just leading on from that last question, of measures undertaken by the Office of Fair Trading to seek redress on behalf of consumers?

**Mr LUCAS:** Certainly. A good example is hire cars. The Office of Fair Trading negotiated redress for a consumer in a case in Townsville where the consumer hired a vehicle from a rental company and returned the vehicle to the airport on completion. She then got a bill for \$3,000 saying that she had damaged the roof. Fair Trading's inquiries identified that, in fact, the photograph of the roof was taken four days after the individual returned the vehicle. There was no evidence, therefore, that that actually occurred whilst it was in her custody and therefore they got a refund.

Another example is a case where a consumer booked flights for an family overseas holiday. Once the travel arrangements were agreed the consumer asked for all details to be double checked to ensure that there were no other taxes or things in the contract to be paid. She was given that reassurance. Then 25 days later she got a bill for \$3,934. After negotiations by the consumer, the vendor agreed to reduce the amount but wanted a non-disclosure document signed. Then Fair Trading intervened and the full refund was made.

Similarly, a case where a vehicle was advertised with a number of inclusions and the vehicle did not have all the features advertised. A complaint was lodged. Apparently it was a classic model being advertised rather than a standard. I remember when I was a child there was a Holden and a Holden Special. Maybe it was one of those. The trader offered to provide the consumer with a full refund for the vehicle or refund of the value of the missing features. There was \$1,700 redress offered as a result.

**Mr BLEIJIE:** Director-General, I note that you have had a little time now to peruse those documents. Would you care to comment on the tabled documents?

**Mr Reed:** Sorry, about what?

**Mr BLEIJIE:** I will put it this way: Paul Turner, an employee of the department, went to you with various concerns about potential disclosure issues not being on the RTI website. The RTI website was then changed under your direction. Am I right to assume that you agreed with those concerns that he wrote to you about?

**Mr Reed:** Until Paul Turner brought it to my attention on 7 March I was unaware that there had been a prior change to the website. As the accountable officer responsible for the management of the website, I agreed to change it on 31 March this year.

**Mr BLEIJIE:** After the representations by Paul Turner to you?

**Mr Reed:** As a result of him bringing it to my attention.

**Mr BLEIJIE:** On 19 April, after the website was changed, after Paul Turner had written to you, Mr Brett Walker, Assistant Director-General, wrote to Mr Paul Turner among other things in relation to what is on the website and so forth. The second last paragraph of that letter says—

You were directed to cease communicating with the media about your views on the SPER statistics. If you contravene this direction you will leave yourself exposed to potential disciplinary action for a breach of the code of conduct and contravention of the direction.

My question is, is it not a bit rough to warn a departmental officer—

**CHAIR:** Order! You are not allowed to ask for an opinion.

**Mr BLEIJIE:** Thank you, Mr Chairman. Director-General, why was Paul Turner warned about the issues that he may or may not have made public when, in fact, the issues that he brought to your attention were acted upon by you?

**Mr Reed:** Because he potentially was breaching the department's code of conduct. The matter had already been declared as not being a public interest disclosure, the website had been changed, end of story.

**Mr BLEIJIE:** But I guess he was becoming increasingly frustrated that despite all the emails back and forth to various officers in the department, no-one was listening until such time as you changed the website. My question is to the Attorney-General. The budget papers provide \$1 million—

**CHAIR:** Excuse me. You just made a remark about the Director-General and his state of mind. DG, would you like to respond to that in any way?

**Mr Reed:** Could you repeat what you said?

**CHAIR:** When a member speaks in an estimates committee and says anything whatsoever, then the person about whom the remark is made has the opportunity to respond. Do you wish to respond or will I allow the honourable member to move on to the question that he has to the Attorney-General?

**Mr Reed:** I would allow him to move on.

**Mr BLEIJIE:** Attorney, the budget papers provide \$1 million on initiatives to recover outstanding fine money. Considering the fine debt pool has blown out to over \$680 million, was this money well spent?

**Mr LUCAS:** You are repeatedly using that language in relation to this issue. I have repeatedly indicated to you the reasons the fine pool will increase over time. Of course as the population of Queensland increases the fines outstanding will increase. Of course that is the case. What is of more relevance is what the number of recoveries are. We have had record collections. This year, 2010-11, would have been a record collection had it not been for the suspensions that we undertook in relation to the flood and cyclones. The figure is not that far below what it was this year. Your media says that since that period of time another \$30 million in fines have come in, of course they have. We have had courts sitting. Big surprise. Of course courts issue fines. They issue them every day they sit. That is not a blowout. It is a fact that courts are imposing penalties on people. So do not demean yourself by making ridiculous assertions about that. What we will do is continue to pursue mechanisms to have better recovery of fines. What we will not do is waste taxpayers' money on throwing people who do not pay parking fines into jail. There was another case that I saw—and I will just try to find the media report—of a 57-year-old guy in Northern New South Wales, who died in one of our hospitals as a result of being assaulted in Grafton prison. Frankly, not only is that a tragedy, think of what the state would pay out then in compensation as a result of those things happening.

You mentioned community service. I do not know how long you practised, but I actually remember community service. I actually remember people being ordered to undertake community service and I have actually observed people undertaking community service. We still have community service and people have the ability to apply to SPER for community service and that is very, very appropriate and I think more people should do community service. But one thing you find out when you talk to people who supervise community service workers is that unless people have an attitude whereby they want to attend and do it then it will be counterproductive to the other people who are attending it and the like. The alternative for people who do not want to or refuse to do community service—because you only get to do it when you agree to do it—is to collect a fine from them or, indeed, throw them in jail. We do not throw people in jail for not paying parking fines any more. What have we done in terms of the additional initiatives? We have the SMS trial to remind people of debts, the wheel clamping, the warrant of execution and the fine forfeiting.

But ultimately there are some people who you will never collect the money from. If someone has got life imprisonment and they have a \$20,000 debt, they are in jail and you do not actually have the ability to recover the debt from them unless perhaps they inherit money. In those situations we find out about it and we can get the money from them. Many people who commit crimes are impecunious. That is a fact. The ability to recover money from them or even wheel clamping their car, because they do not have a car or use someone else's car, has its limits.

What is important for the community to note is that we are recovering more and more and more. What I am not going to do is to say okay, we will forget about it, or not seek to recover debts. There are some things that I think we can improve. What can we improve? A significant proportion of debt we are not able to recover because we are given insufficient information in terms of identifying the people. Maybe we should say to your mates at the Brisbane City Council when they send us the information in relation to a parking fine, 'When you send us better information about the parking fine then we will actually refer it to SPER for collection,' rather than putting it on the list that you are complaining about that Cameron Dick made very clear in the media that was the case in relation to a former Liberal Party staffer that you are complaining about. We do write off debts such as when someone dies we cannot get the money from them then, funnily enough—we wish we could, but we cannot if they do not have an estate—for deregistered companies and, in certain circumstances, where there is insufficient information so you cannot ever establish the identity of the person involved. We will continue to look for how we might increase it, but the good news is there is a billion bucks worth of money that we got out of SPER and in the old days what would have happened? They would have gone to jail.

**Mr BLEIJIE:** Based on your answer now, is it not a fact then that for every dollar recovered two more dollars are added to the debt pool? So, on your own admission, the fine pool will never be fully recovered?

**Mr LUCAS:** Of course you will not be able to recover all of the money from people who are fined. That is, as I just said to you, self-evident.

**Mr BLEIJIE:** So you are saying the \$680 million is just going to keep going up and up and up and you have no idea how to bring that down, you will never bring that down?

**Mr LUCAS:** What you do in a company with debts that you do not believe after a period of time you can recover is you write them off. Then you would be the first person in here up the Director-General saying, 'Oh, you've written off a whole lot of debts, haven't you? That is a big cover-up because you wrote off debts.' That is not what we are doing in terms of any significant amount, other than people who die and those limited circumstances of deregistered companies. A deregistered company is essentially a death of a company where you actually cannot identify people at all—and I will confirm if there is any divergence to that. Of course, over time people will continue to get fines. What you do in a company when you have debtors is, after a period of time, you write the debt off—you simply write it off. Yes, it is different to BHP who write their debts off every 90 or 120 days. We say, 'No, you're never going to get away from it.' The downside of that is that people like you, who want to deliberately misrepresent it, who want to say that it is continuing to go up, then go along and do that business. That is fine. You can do that. In the meantime we will make sure that we recover money from people and that people do not go to jail for not paying parking fines.

Frankly, some people used to do that as a cop out and other people used to do it and get injured or killed. What we will do is recover money from them and look at how we can do more and more of that. But ultimately there are some people who are fined that you will never be able to recover the money from. That is a fact of life. The difference is that we are in there recovering it, and recovering it in record amounts. We would have had a record this year were it not for the flood and cyclones.

**Mr BLEIJIE:** Based on the \$680 million record levels of outstanding fines in the total debt pool and based on the fact that you only have to pick up the front page of the *Courier-Mail* to see projects that you were involved in that you never saw out, government investing more money to try to fix, including Health payroll bungles that you oversaw as health minister, can Queenslanders have any confidence and faith in you to get any of your projects, whichever department you are in charge of, sorted out?

**CHAIR:** There are so many things wrong with that question. First of all it is out of order by virtue of the fact that it invites an opinion. Secondly, it is out of order because it refers to matters that have no relation whatsoever to the Attorney-General's estimates. If the honourable member would like to think about how he might rephrase that question, in the interim I will call the honourable member for Maryborough.

**Mr FOLEY:** My question is to the Attorney. Attorney, every member of parliament has had SPER frequent flyer debt recalcitrants in their office complaining about getting fines. If there is no jail, and I accept the fact that imprisonment causes additional costs as well as putting the fine defaulter in a situation where they may not be getting the best influences on their life, the department then seems to be in an invidious position where recovery of fines has almost become a philosophical consideration rather than an economic one with it costing \$6,083 per month for the incarceration of a prisoner. Clearly when one considers a whole-of-government costing at that sort of money to have someone in prison,

that is a lot of money not being spent on far more pressing issues in Queensland. In the light of that catch 22, what strategies other than prison are in place to rein in the burgeoning SPER debt as opposed to simply writing it off as unrecoverable?

**Mr LUCAS:** I thank the honourable member for the question. I would make an observation: there is a \$500,000 fine owed by Chilmac corporation from the Brisbane City Council. Of course, the company is under external administration. Until the company is deregistered, that will sit on the SPER books. That is the SPER rule, for example.

The issue is this: if people do not comply with orders, the courts have the ability to return them to the court in certain circumstances, to actually resentence them and the like. That is a matter for the court. Yes, it is a challenge in relation to that. That is why we have pilot programs such as wheel clamping and licence removal. People see the licence as being a privilege, but of course, as you know, some people drive unlicensed and could not care less. Again, it is about what is the appropriate level. In the past, some people would go to prison to serve off all their fines over the period of a weekend. That does not get the money. The real motivation of SPER is to recover cash. That money can then be distributed to the parties it needs to be distributed to. We have issues in terms of wheel clamping, which is quite a useful tool. Of course, someone has to have a vehicle and it has to be a vehicle that has some value to them and there are circumstances in terms of their suitability.

The issue in terms of what are otherwise known as warrants of execution is important. As a lawyer, in civil matters I issued warrants of execution over things. A lot of debtors do not have real property, which is a very easy thing to issue a warrant of execution over, or, indeed, they have vehicles that are not worth anything. The bailiff may go and sell those things but will get very little money for them. For example, a piece of furniture may cost a bit to buy but to sell, it is just a piece of second-hand furniture. There are certain rules that apply in relation to that.

In terms of the debtors recommended for warrants, the debtors who enter repayment arrangements prior to warrants issuing is four, with a total amount of \$89,639.05; debtors who paid in full at the Police Service after warrants were issued paid over \$45,338.70. There is still an ability for imprisonment. Debtors with executed warrants is 13, with the value of debts at \$280,826.29. Days to be served, 4,347. We actually do well in terms of getting the money from people and that is a good outcome in relation to people, but there has to be an ultimate sanction.

**Mr FOLEY:** I respectfully suggest to you that the recovery of moneys for SPER is probably one of your greatest challenges in that department. Is there a task force? Has something been established within the department? I agree with what you are saying about prison terms not being appropriate. They are not cost-effective. The fine defaulter might be someone's son or daughter who has just stupidly allowed things to accumulate and has not got around to paying them. Do you have plans to have some sort of a major think tank in the department, if you are not doing it already, along those lines? If you say that prison is not the ideal, it is also not the ideal if people get the idea that they can let their fines go way out of hand because they will not be jailed, but you do not want the smack-on-the-hand approach, either. Is there anything planned within the department? What resources have been put towards that?

**Mr LUCAS:** There is an ultimate sanction where, in appropriate circumstances, people can serve a term of imprisonment. However, a lot of those debts are run up in situations where they simply would not be suitable for that. Wheel clamping and warrants of execution work. They are in pilot and will be subject to an evaluation. If you like, that is what we are doing at the present time. They are done at certain fine levels. You also have to be aware of the fact that they are not necessarily an effective way of pursuing smaller fines.

The simple fact of the matter is that last year we had a record amount of money recovered. This year would have been, had we done it. What has changed is that in recent times the licence suspension for drivers' licences—and that is part of the law now—the wheel-clamping pilot and the warrant pilot have been quite successful. In terms of the evaluation, we will see that rolled out more permanently.

I will comment on the ridiculous assertion that the member for Kawana made. The cost of SPER, in terms of what you recover, is a very good investment. One hundred and forty staff recovered \$158.3 million. More than \$1 million per staff member was recovered. Perhaps, if anything, we should consider putting on some more staff.

**Mr FOLEY:** To the director-general, because I do not expect the Attorney-General to have these things at his fingertips. My previous question remains: what has your department done for that issue moving forward? What resources are you putting towards coming up with other solutions that you are not using already? What sort of priority are you giving that?

**Mr Reed:** The department is always interested in new ways of trying to deal with the SPER debt. Clearly, we have 140 staff at the moment managing this area and doing it very effectively. They are trialling particular technologies, as the Deputy Premier said. We are always open to ideas in that regard. There is certainly no lack of attempts to find different ways of recovering money. They have a thirst for it.

**Mr FOLEY:** What is the department's policy on things like garnisheeing wages?

**Mr LUCAS:** We can do that.

**Mr FOLEY:** Again, blood out of a stone is hard.

**Mr LUCAS:** Many of these people either are not in employment or are erratic in their employment. Once you garnishee them, they go and get another job and you have to go through the procedure again. I do think it is important, because I think people should accept the responsibility for what they have incurred.

**Mr FOLEY:** Absolutely.

**Mr BLEIJIE:** Attorney-General, prior to moving onto another subject matter, in relation to the tabled documents, the emails, the communications, the discussions that have been held in parliament with respect to the disclosure of the four or the total amount of the SPER money, which has been discussed at this committee today, I ask: can you commit to this committee that you would support a full and thorough investigation of all the matters that have been raised considering that, on the director-general's own advice, when one of the department's own officers came to him with advice, the information was then acted upon and the website changed under your reign as Attorney-General to reflect the total amounts? If you would not support a full and open public inquiry, either by this committee or some other committee, why not?

**Mr LUCAS:** It has already been made crystal clear that Cameron Dick made very clear what the total fine pool was. As far as I am aware, every document that you tabled was hearsay; that is, you tabled nothing that indicated what the Attorney-General—

**Mr BLEIJIE:** Are you saying that every officer in your department had it wrong, that every email was wrong? Are you saying to me that every email that I tabled today was wrong, that every officer in your department just got the information wrong?

**Mr LUCAS:** Every officer in my department? No. You tabled an email with respect to a number of people, including a Bob Quinn, former staff member—hardly a disinterested party.

**Mr BLEIJIE:** Many departmental officers were engaged in those emails I tabled.

**Mr LUCAS:** None of those contained any direct evidence. What I tabled was a transcript of a media interview in which the then Attorney-General made the position quite clear. The honourable member is well aware that this matter has been referred to the CMC before. The honourable member is well aware that it has been the subject of correspondence and dealings with by the director-general. No minister is in charge of or responsible for individual Public Service staff matters. However, the matter was referred to the CMC and the CMC disposed of it. In relation to the question of the former Attorney-General, the honourable member knows full well that that is a matter that has been raised in parliament before and the view of the parliament, clearly, was that there was nothing that needed to be taken further.

**Mr BLEIJIE:** So I take it, Attorney, you would not support an inquiry by this committee of those allegations by departmental officers?

**Mr LUCAS:** I will not indulge your political stunts.

**Mr BLEIJIE:** Okay, thank you. Can I ask the Queensland Ombudsman, Phil Clarke, straight out: based on the discussion this morning, was he ever directed by the former Attorney-General or a member of his staff to direct public servants to withhold information and influence their decision making with respect to the total amount of SPER fines?

**Mr Clarke:** The advice provided in that email that you refer to, which is the only piece of information that has been provided to me to comment on, was the request from the then Attorney for the detail of the SPER debt pool to be provided in responses, not for the individual total to be provided. So we were asked to provide detailed information whenever we provided responses in regard to the SPER debt pool. That is my recollection of it, which is now some considerable time ago.

**Mr BLEIJIE:** How was it—

**Mr LUCAS:** On a point of order, Mr Chairman: with respect, if the honourable member wishes to ask Mr Clarke a question—Mr Clarke is here in his capacity as Ombudsman. He is not here in other capacities that he may have held in the Public Service in the past. The honourable member is entitled to ask the director-general in relation to matters and the director-general is entitled to deal with them in the manner that he sees appropriate. With respect, he is asking questions of the Ombudsman not about the Ombudsman's role, as far as I can understand.

**Mr BLEIJIE:** Thank you, Mr Chairman. The Attorney has—

**CHAIR:** Are you going any further down this track?

**Mr BLEIJIE:** No. Thank you, Mr Chairman. The Attorney has answered my question anyway and highlights the reason I believe an inquiry is needed.

**Mr LUCAS:** Grow up.

**CHAIR:** Order! You cannot have a Parthian shot. If you want to ask a question then you can ask a question, but no Parthian shots.

**Mr BLEIJIE:** Mr Chairman, thank you for that advice. The question to the Attorney is this: on the basis that I, as the member for Kawana, am not able to ask a former director-general questions in this committee about these most serious issues, would the Attorney-General support a full and public inquiry that I may be given the opportunity to ask those questions?

**Mr LUCAS:** I have answered the question before. There are mechanisms for members of parliament to address issues concerning other members of parliament. The honourable member can seek to explore those. The former Attorney-General, on ABC Radio, made it clear what the total fine debt then was. It was no secret. It was no secret when he indicated it then, and it is no secret now.

**Mr BLEIJIE:** Thank you, Mr Chairman.

**CHAIR:** Let us move to a different line of questions. In a sense, the predecessor committee of this committee was the Law, Justice and Safety Committee, which conducted an inquiry into alcohol fuelled violence. The department has a drink-safe precinct program, which we are particularly interested in because of our history. Could you give us some information on how that is going?

**Mr LUCAS:** I thank you, Mr Chair, for that question. You, Mr Chair, your deputy chair—and I am not sure about the other members here; I am not sure about the member for Maryborough and I know the member for Kawana would not—and I all have children in the age bracket that is relevant to this question. I know that it is an issue of concern for the member for Surfers Paradise in relation to his electorate and I know that it is an issue of concern for all members of parliament.

The simple fact of the matter is that, in terms of alcohol fuelled violence, people like us are statistically not likely to be the ones victimised by it. The perpetrators and, indeed, the victims are likely to be young people, predominantly male, in the 18 to 25 age bracket when they engage in risky and foolhardy behaviour. Indeed, one of the really important issues that we need to remember as members of parliament is that young people have rights. They have rights to enjoy themselves on a Friday or Saturday night down in the Valley or at Surfers Paradise and have a couple of drinks. Sure, it might not be our cup of tea to go out at one o'clock in the morning, but they have every right to do that themselves. What they do not have the right to do is go down there and knock someone's block off and impinge upon someone else's enjoyment.

The focus on public safety with the parliamentary inquiry into alcohol related violence ended up with 150 submissions, held four public hearings and visited late-night venues. As a result, the committee brought down a report with 68 recommendations. We have now arrived at the amendments to the Liquor Act 1992 with a number of particular policy decisions. First of all, there has been the introduction of drink-safe precincts, of which we have three currently in Queensland. We have not finished the two-year pilot yet, but I think it is fair to say that the project has been an overwhelmingly positive one. Will we eliminate violence in these precincts? The answer is no, we will not. Can we reduce it dramatically? Yes, we can. Indeed, what we have done is take a holistic approach to it. For example, we have introduced banning orders for people who misbehave in a drink-safe precinct. That can take place in two ways: either by a court as part of a sentence or by way of a civil application.

Additionally, the government has allocated \$8.5 million over two years to reduce alcohol related violence. What are some of the things we have done as a result of that? First of all, we have increased the high-visibility police presence during peak times of the week—Friday and Saturday. Secondly, we have established safe zones, where patrons can access non-government support services. Regrettably, sometimes young people, young males in particular, can engage in predatory behaviour when young women are intoxicated. Safe zones are areas where they can go and sit with someone who is there to support them. I think chaplain Lance Mergard, a great guy, runs and supports the one in the Valley. People can sit there and use the telephones to ring mum or dad and they have people to help them with something and to offer some non-judgemental support. Additionally, we have better transport information and wayfinding signage—it used to be pretty hard to know what time the next train was going down the Valley and the like—we have addressed issues such as crowding and footpath queuing and there is better on-the-ground coordination between community groups, security, police and licensees.

What happened in terms of that? The police spent an additional 7,960 hours patrolling three DSPs. Police have reported more than 1,000 arrests and seven people have been banned from the precincts since the trial started. We also had people banned from areas other than the precincts under the rules. There were 168 licensing breaches and 230 traffic infringement notices issued. The police took 296 party-goers to places of safety, intervened in and prevented conflict on 763 occasions—sometimes the best thing police can do is, rather than arrest someone, stop a conflict situation arising in the first place—and used other forms of de-escalation 477 times. Officers performed 1,938 street checks, performed 541 random breath tests, conducted 1,639 walk-throughs of licensed premises and visited 1,160 premises.



There have also been support services where patrons can go to recuperate, including the establishment of the designated rest and recovery areas in Townsville and Fortitude Valley, extension of the existing Chill Out Zone in Surfers Paradise and night-watch chaplains. Support services have assisted more than 1,000 patrons and handed out more than 21,000 bottles of water. The feedback certainly is very positive.

**CHAIR:** What about problem gambling?

**Mr LUCAS:** Gambling is certainly an issue that confronts us in the community. Australians have been involved in gambling—as they say, they bet on two flies going up a wall—since people first came to the country. Like drinking, if people can gamble in moderation, if people can do it without misbehaving and without damage to themselves or others, frankly, they have the right to do that.

There has been a lot of discussion at the federal level in relation to the issue of poker machines and the like. Queensland prides itself on its policies to deal with problem gambling, and poker machines are only one aspect of gambling. People can actually go down to the racetrack and put an unlimited amount of money on a horse. They can gamble on the internet and potentially lose large amounts of money. Under the very good work of the Office of Liquor and Gaming Regulation, we have seen essentially a halving in the proportion of problem gamblers to the extent that they are about 0.37 per cent now. Queensland has led the way in that regard, similarly doing research in the areas of problem gambling.

The other day I announced that we are commencing a trial on the Gold Coast with a number of surf clubs in relation to additional messages that are offered to gaming machine patrons. Already we have about 40 voluntary precommitment poker machine venues rolled out in Queensland where people can set those limits if they wish to do so. In relation to gambling, the vast majority of people are responsible and do the right thing. We want to make sure that they can continue to enjoy that right if they wish to do that.

Many people are employed in the gaming industry as well. Queensland prides itself on that work. Interestingly, David Ford, who is the head of the OLGR and OFT, one of our deputy directors-general, is a former international chairman of the International Association of Gaming Regulators. We are very much seen as best practice in that regard.

**CHAIR:** What are these additional messages?

**Mr LUCAS:** The additional messages that we are providing to people include such messages as, 'What are your limits?', 'Do you know how much you are losing?', and those sorts of things in terms of the pilot. Additional to that are programs and advertising in or around licensed venues. You will actually see, 'Know what you are doing,' and those sorts of messages. Additionally, Queensland has a regime of training for everybody who works in those gambling or licensed venues. People who have a high level of contact with gaming machines are required, for example, to undertake the responsible service of gambling qualification so they can not only provide service but also understand what are some of the so-called concern signs and the like.

We very much wanted to be at the forefront of educating people as to the issues in relation to problem gambling. If you can address those issues before they become a problem, you are obviously in a very appropriate situation. Many people who go to licensed premises have a little bet—the Redcliffe Leagues Club, for example—and then go and have a meal. It might be their big social occasion. It is about them being responsible in terms of those venues. Many venues in Queensland have very minimal turnover in their poker machines. Some venues have turnover in their poker machines per day of \$15 and the like. We need to be very careful that initiatives that we introduce do not drive out the small town country club or pub.

**CHAIR:** I disclose that I am a member of the Redcliffe Leagues Club.

**Mr LUCAS:** I am a member of the Wynnum Manly Leagues Club.

**CHAIR:** I suppose neither of us wants to sound too much like a wowser. Are the additional messages going to come up on the machines?

**Mr LUCAS:** That is what the trial in relation to this is doing—off the top of my head I think the software is called Blue Gum—while people are playing and the like, yes.

**CHAIR:** Obviously that is something that most members would support.

**Mr LUCAS:** Can I just add some information. The new special features include special messages and animations encouraging players to gamble responsibly, a bank meter to allow players to bank wins and alarm clocks to help players determine the time they spend on the machine. Similarly, we have increased funding for gambling help services, from \$3.9 million in 2008-09 to \$5 million in 2010-11. We fund a 24-hour gambling help line, 14 face-to-face gambling help services, a residential treatment facility and a new 24-hour, seven-day-a-week national online counselling service. In 2010, approximately 1,000 people were excluded from Queensland pubs and hotels.

**CHAIR:** That is the information I wanted to know. What about the federal government's proposal about precommitment technology?

**Mr LUCAS:** We have about 40 venues in Queensland that have voluntary precommitment technology. In fact, we were the first to install that in approximately 2006. What is being suggested at the national level is mandatory precommitment. We do not see that that is an appropriate mechanism to proceed with because it would inflict itself upon everybody who then gambled, whether they were a casual poker machine player or not. Indeed, in any event, the precommitment technology does not specify a particular amount. However, we are more than supportive of continued moves for voluntary precommitment, although we have made the point that there are some clubs which, because of their turnover, would never have the ability to even finance voluntary precommitment. Part of this is because the newer machines have a higher level of turnover in the higher clubs and therefore they are replaced more often and they have the opportunity to do that.

Some of the other discussions that the Productivity Commission looked at were limiting the number of ATMs on premises and not having them at all. Queensland has a \$20 withdrawal limit for ATMs. You cannot get out fifties or hundreds from ATMs in Queensland. Again in very small communities it might be that the local club or RSL is a place where you can safely and securely go and take some money out of the bank because you want to do the shopping as much as you want to play the poker machine. In the past couple of years I would have been lucky to put \$20 in a poker machine, but I have certainly withdrawn money from teller machines at clubs. I think there are many people in that category as well.

**Mrs ATTWOOD:** I might move on to another subject which has been of great controversy in the local newspapers of late. It is in relation to sex offenders and the establishment of the Sentencing Advisory Council, referred to on page 3-172 of the SDS. I ask the Deputy Premier to outline to the committee how the council is bridging the gap between community expectations, which are very, very high in relation to how sex offenders are treated, and the courts in relation to the sentencing of criminal offenders?

**Mr LUCAS:** I thank the honourable member for the question. It is a sad fact that there are people in our community who prey on others, especially on children and other vulnerable groups. Australian Bureau of Statistics figures show that, for children aged zero to nine, in 79 per cent of cases the offender was a family member or other person known to the victim. Whilst it is important to teach children the importance of stranger danger, so often it is actually someone who is known to the child. That is true in the vast majority of cases. In fact, in 2010 more generally, there were 4,237 sexual assault victims in Queensland. Most of the victims knew their offender—in 69 per cent of cases.

So what have we done? What is our track record in relation to these issues? First of all, crime rates have fallen more than 28 per cent since 2000-01. Under the Criminal Code, more than 40 offences are punishable by life imprisonment including murder, which carries mandatory life. We have the toughest sex offender laws in the country. Under previous regimes, if you were a sex offender and sentenced to a term of imprisonment, once you completed that term of imprisonment you could walk free. You could walk free without any ability for there to be ongoing supervision of you.

The Dangerous Prisoners (Sexual Offenders) Act was groundbreaking in Australia. I should note that Queensland, along with South Australia and the Northern Territory, has the toughest penalty for rape—life imprisonment. We increased the penalties across a range of offences including drug offences, weapons offences, child pornography, dangerous driving, attempted murder and child cruelty. We have implemented reforms to ensure that sentencing of violent and sexual offenders is in line with community standards. We amended the offence of serious assault to extend the protection of the provision to public officers—that is, child safety, ambulance, fire and other emergency services officers and health service employees. We implemented the serious violent offences regime which ensures that certain offenders must serve 80 per cent of their sentence of imprisonment before being eligible to apply for parole.

In 2010 we expanded the indefinite sentences regime under the Penalties and Sentences Act so that courts can impose indefinite sentences for many more crimes including torture, incest, maintaining a sexual relationship with a child and indecent treatment of a child under 16 years of age. The Penalties and Sentences (Sentencing Advisory Council) Amendment Act provided that, in sentencing an offender for an offence of a sexual nature committed against a child under 16, the offender must serve an actual term of imprisonment unless there are exceptional circumstances.

We set up the Sentencing Advisory Council. It was set up under the chairpersonship of Bond University Professor of Law Geraldine Mackenzie and the deputy chair, who is the chair of PACT, Protect All Children Today. It includes victims of crime representatives and real people from communities. Since the establishment of the Sentencing Advisory Council in 2010, it has had two significant referrals—first of all, minimum standard non-parole periods and, secondly, the review of sentences imposed on child sex offenders. I will speak about each of them, Mr Chairman, if that is all right.

On 25 October we announced our intention to introduce a tough new regime of minimum standard non-parole periods for certain serious violent offences and sexual offences. That scheme in New South Wales is credited with making sentences tougher, more consistent and more reflective of community standards. I should say this though: we have more people in jail and we have increased penalties. So the facts speak for themselves in relation to these things, but we want to go further.

The standard non-parole period is the minimum amount of time an offender should spend in jail if found guilty of a crime. This is, to an extent, to deal with people getting what they would call a significant head sentence but getting parole too early. The Sentencing Advisory Council is exploring what offences this should apply to and how long the standard non-parole period should be. Consultation has taken place in June and July. The Sentencing Advisory Council will report back to me by 30 September 2011, and I intend to introduce legislation by the end of this year that will establish this scheme. So this scheme will provide additional guidance to the courts, and that material will be very useful.

The second referral is the one I made the other day to the Sentencing Advisory Council. I want to deal with an issue that the member for Kawana raised in the media where he indicated that I have made this referral to the Sentencing Advisory Council but they will not come back until early next year so it will not get dealt with because of an election. What would be the point of me saying to the Sentencing Advisory Council, 'Advise me next week,' if they do not have the capacity to complete that? They are currently completing an existing reference. Then they have to go on and conduct this reference. So this is giving them the opportunity to do it and it will give them an opportunity to come up with their response before the election. We will then be able to make our commitment to implementing that and we will see what you guys do in that regard. But what they will do is provide a considered, well thought out argument.

I am concerned in relation to child sex offenders that courts sentence, if you like, in relation to a range. So for a particular sort of offence they will have a particular sentencing range bearing in mind the circumstances. My concern is, particularly with respect to sexual offences where an ongoing relationship has been maintained by an individual—I cannot think of what could be more detrimental to a child than that—that the range of sentences needs to be ratcheted upwards. If you like, the whole thing needs to be ratcheted upwards and this is the mechanism by which we will do that. The Sentencing Advisory Council will of course go out and consult with the community in relation to those issues and do the appropriate research including further research to support that assertion.

**Mrs ATTWOOD:** Thank you, Deputy Premier. I think you have covered in detail the role of the Sentencing Advisory Council in relation to what they are doing on the issue of dangerous prisoners and sex offenders. However, can you now talk about the Crime and Misconduct Commission and what they are doing to help tackle the sexual abuse of children by paedophile networks?

**Mr LUCAS:** I certainly can and then I might defer to Martin Moynihan, the chair of the CMC, if he wishes to add anything further to that.

The CMC investigates recidivists or networked sexual offending taking place outside the family and internet based offending. It has investigations undertaken by a team known as Cerberus, a team comprising police investigators and civilians with intelligence analysis and legal skills. The team is supported by CMC officers skilled in physical and covert surveillance and forensic computing analysis. A lot of what they have to do has to be covert work—getting into chat rooms and talking to young people. I will leave that to Mr Moynihan to decide the level at which he wishes to discuss that.

The work of the team has resulted in 12 people being charged with 122 offences relating to the possession, distribution and production of child exploitation material. They had a target in 2010-11 of commencing 25 operations including serious crime, criminal paedophilia and organised crime operations. They actually exceeded that, with 28 tactical operations commencing last year and 12 of those were criminal paedophilia operations. In 2010-11 they completed a total of 15 criminal paedophilia operations, with 93 per cent of them resulting in arrests, charges or seizure of property or restraint of property. Their investigations will continue to target those offenders who are suspected of being involved in networked paedophile activity and who may use the internet to access victims or trade in child exploitation material. They work cooperatively of course with the Queensland Police Service and also the Federal Police. Mr Moynihan, do you wish to add anything to that?

**Mr Moynihan:** Essentially that is the case. At the moment we are looking to identify local offending by Queensland based residents suspected of engaging in child sex tourism. In that context in particular we work very closely with the Australian Federal Police.

**Mrs ATTWOOD:** Do you want to go into a bit more detail, Minister, about the criminal proceeds confiscation scheme?

**Mr LUCAS:** Sure. There are two mechanisms by which proceeds of crime are confiscated in Queensland—one is a civil confiscation regime and the other is a criminal confiscation regime. I will explain both of them. The Office of the Director of Public Prosecutions, the DPP, is involved. Both regimes are under the one act—the Criminal Proceeds Confiscation Act. The DPP deals with the conviction based criminal proceeds of crime scheme. The CMC, on the other hand, deals with situations

where you have individuals involved in organised crime and the like where there may not necessarily be a conviction on criminal charges but their assets may be restrained on the basis of a reasonable suspicion of serious crime activity.

In many respects, the CMC's ability to hit these organisations in the hip pocket is a very, very useful tool because they operate on large sums of money and that money can then be accrued to the people of Queensland. From the commencement of the scheme in January 2003 to 30 January 2011, approximately \$125 million in assets have been restrained as a result of non-conviction based civil confiscation, with \$31.5 million forfeited to the state. The DPP, as I said, deals with the conviction based system. In the last financial year alone, \$458,074 was forfeited to the state under the conviction based scheme. As at 30 June 2011, the CMC was conducting 99 proceeds of crime recovery actions involving property valued at almost \$53.2 million. It has obtained 44 orders to restrain assets valued at more than \$14 million. This is an important part of making sure that we are hitting these individuals hard in relation to those issues. Mr Moynihan, would you like to add to anything that?

**Mr Moynihan:** I have nothing additional to add to that.

**Mrs KIERNAN:** Deputy Premier, I have an issue that I would like to cover in two parts which is to do with Indigenous justice programs—the first part being the Murri Court. Mount Isa in fact was the first Murri Court set up, I think—I am probably blowing a trumpet that I should not be, but I know that there are very respected elders in that court process. Could you advise the committee of the role of the Murri Court and also of the Queensland Indigenous Alcohol Diversion Program and the support that we offer to these programs across the state?

**Mr LUCAS:** I thank the honourable member. I know that you have a very strong interest in this area. Aboriginal and Torres Strait Islander people of course are our First Australians and our first Queenslanders. We have a very, very significant obligation to them to make sure that we do something in partnership with them to address the unacceptable rates of imprisonment for Aboriginal and Torres Strait Islander people—12 times higher than the rate for non-Indigenous people and 25 times more likely to have an Aboriginal and Torres Strait Islander young person in detention than non-Indigenous.

I want to make one thing absolutely crystal clear: Indigenous offending is just as serious as non-Indigenous offending. One of the reasons that over the last decade or so we have seen increased rates of imprisonment is that frankly in the past what might have happened in remote or isolated communities was not given the absolute seriousness which it is given now. Sexual offending against people—against kids, against women—is serious regardless of whether the perpetrator is black or white or whether the victim is black or white. Indeed, Aboriginal and Torres Strait Islander people represent four per cent of Queensland's population but 12 per cent of the victims of assault and 11 per cent of the victims of sexual assault are Aboriginal and Torres Strait Islander people. So the Murri Court and the Indigenous Alcohol Diversion Program are key components of our strategies to address Indigenous justice issues.

The Murri Court delivers more culturally appropriate justice and provides greater opportunities to address the underlying causes of offending behaviour. They are constituted by a magistrate—so it is not just someone else—and they have the presence of elders, the offender's family and respected people. It provides insight in that the elders can talk about what the offendings are doing to the local community and the impact they will have on the individual. They are very important aspects of Indigenous people understanding the justice system. Indigenous people are part of the justice system. They are not just an observer or someone who is touched by it. They are actually part of it. It is their system as well. In fact we have a number of Indigenous magistrates for that matter, by the way.

Murri courts operate in Brisbane, Mount Isa and Townsville. Mr Chair, if we are on time, I might just finish on one really good program and maybe after the break I can take it up again. The Brisbane Murri Court has a life and employment skills bail support program. It is about supporting people charged to get a Certificate I in General Construction. Eight participants completed the program in November 2010 and gained a Certificate I in General Construction. Seven of the eight have secured work placements with concreting or construction companies. This is delivered through a partnership with the Construction Skills Training Centre and is testament to what you can achieve. The best way to stop someone having a tendency to not achieve is to give them the dignity of a job, so that training is really strong.

#### **Proceedings suspended from 11.30 am to 11.46 am**



**ACTING CHAIR:** In the temporary absence of the chair of the committee on other committee business, I welcome you back for the second session of our examination of the budget estimates for the Department of Justice and Attorney-General. I understand that the honourable member for Mount Isa has a question.

**Mrs KIERNAN:** Deputy Premier, following on with Indigenous justice programs, you have made it very clear that the government needs to work with Aboriginal and Torres Strait Islander people to reduce the involvement of those people as victims and offenders in the criminal justice system. One of the other areas I am keenly interested in, particularly in three of my communities, is the role and work of the community justice groups. Could you outline to the committee what support is being provided to them by the government?

**Mr LUCAS:** Certainly. The community justice groups, whether they be statutory or non-statutory, are an important part of providing ownership and responsibility within a community for justice outcomes. I mentioned before the overrepresentation of Aboriginal and Torres Strait Islander people: they are four per cent of our population yet 29 per cent of our prison population, and it is even worse when it comes to youth incarceration.

Community justice groups build vital networks with government and non-government agencies to promote culturally appropriate and responsive administration of justice for Aboriginal and Torres Strait Islander people. There are 52 groups currently in Queensland. My department provides grant funding to community justice groups for core related services, and they can and do obtain additional grants. We have allocated \$4.175 million in grants this year, with an additional \$1.44 million for the administration of stakeholder reference groups, program managers, training coordinators and regional advisers. Most of the groups are comprised of volunteers, including elders and other respected members of the community, and I am very grateful for their ongoing work. They provide the support and advice to give overall community safety and they provide an important contribution.

The Community Justice Group Program was independently evaluated following recommendations in the CMC's Restoring Order report. The evaluation found that community justice groups provide a positive contribution to reducing the likelihood of crime escalation, improving the cultural appropriateness and responsiveness of the justice system and promoting community wellbeing through volunteerism. It identified a number of areas where the program could be improved—in particular, addressing the foundations of the program including program aims, design and delivery, and how to better support the skills of individual community justice groups.

I think one of the really important things for us to focus on in relation to community justice groups is that their primary responsibility needs to be supporting people or dealing with people in relation to court appearances. That needs to be there to make sure that people attend, make sure that people understand the consequences and make sure that appropriate reports are provided to the court. That can aid the court in sentencing to make sure there is appropriate liaison with victims and the like, so that has to be their first function. We are currently examining those recommendations to inform the further response.

**CHAIR:** I call the honourable member for Kawana.

**Mr BLEIJIE:** If we can turn the committee's mind to legal aid, I welcome Anthony Reilly. Mr Reilly, I am happy if these particular issues are taken on notice and you get the figures or statistics back to the committee. Can you tell the committee the total cost and number of people who have previously been convicted of crime who received free legal assistance through Legal Aid Queensland and do not have to repay that assistance? Do you have those figures available?

**Mr Reilly:** No, I do not have those figures available but I can try and get them. Can you repeat the question, please?

**Mr BLEIJIE:** What is the total number of people who have previously been convicted of a crime who received legal aid and do not have to repay that assistance?

**CHAIR:** You might like to readdress that question to the minister because only the minister can take them on notice.

**Mr BLEIJIE:** I will readdress it to the minister if he is happy to take it on notice.

**Mr LUCAS:** So you want the total cost to Legal Aid of people in criminal matters who have received assistance but have not had to repay it?

**Mr BLEIJIE:** The total cost and the total number of those who were convicted of crimes in criminal matters who received assistance and did not have to pay it back.

**Mr LUCAS:** I am happy to ascertain as far as we can that information. I would make the point to you, though, that in criminal matters, typically, costs are not awarded in that the courts do not make people who are convicted of crimes pay the costs and, additionally, that many people are impecunious—that is, they do not have money. Also, you would be aware of the principle in Dietrich's case, no doubt, as a lawyer, indicating that courts can and will refuse to allow legal proceedings in serious matters, such as indictable matters, to proceed without someone having adequate legal representation.

**Mr BLEIJIE:** Thank you, Attorney. If I can go back to Mr Reilly, what would prevent someone from obtaining legal aid?

**Mr Reilly:** We have some tests that apply to people who apply for legal aid to assess whether they should receive a grant of aid. I should say that Legal Aid services cover a broad spectrum of services. For example, we have a call centre which people can access from across the state to get free telephone legal information. That free telephone legal information is available to anyone, regardless of how much they earn. That is free for all. We have free state-wide advice services available, so when someone rings up for information if they need some further legal advice then we can refer them through and make a booking for them to get advice, and that is also free.

We have duty lawyer services available in the Magistrates Court, the Children's Court and the Family Court. We do not means-test those, either. If people turn up, for example, and they are charged with an offence in the Magistrates Court, our duty lawyers will represent them for initial mentions, some pleas of guilty and things like that.

When you escalate beyond those front-end services, if you like, into higher end legal services where more effort is required—for example, a dispute resolution conference in a family law matter or representation in a court matter—then we do apply quite rigorous means and merit tests. I will just take you through those. To decide an application for legal aid for a grant of aid for representation in a dispute resolution conference, three areas are considered. The first is the means test and it is used to determine financial eligibility. This test looks at the income and assets of the applicant and anyone who helps them financially. It also takes into account how many people the applicant supports. If the applicant relies on Centrelink payments, they will meet the income test. For other income, the income test cut-off relates to the number of people working and the number of people supported. A contribution to the cost of legal representation may be required based on the amount of income earned if they earn more than the threshold levels.

Another test we apply is the assets test. The assets test takes into account assets that the applicant or a person who helps them financially has. Legal Aid does not consider equity in the principal place of residence if the equity is less than \$146,000 or some other items up to \$16,000. We do have some special circumstances provisions—for example, an applicant over the age of 60 is allowed equity of \$292,000 in a principal place of residence. If the applicant's assets exceed the limits set through these tests then sometimes we can still provide legal aid but we ask for a contribution to assist, and this is on a sliding scale.

As well as the income test and the assets test, we have a merit test. We do not fund every matter; it has to be a matter that has merit. The merit of the case is assessed by looking at the legal or factual merits of the case and if it is more likely to succeed or fail if it goes to court—if a sensible person would risk their money to take the case to court—and if the benefit the applicant will receive from having a lawyer justifies spending limited public funds. That is really to cut out minor little matters that could cost a lot of money through litigation.

These tests are then supplemented by guidelines which determine which types of cases can be funded based on priorities set by the state and federal governments. For example, under the new National Partnership Agreement on Legal Assistance Services, the Commonwealth government has made it clear to us that one of its priorities is children and to ensure that grants of aid are made to assist children. So our quite extensive family law program has a focus on children and disputes that affect children. The grants guidelines cover civil law matters, such as child protection, domestic violence and discrimination cases; serious criminal law matters in the state courts; and family law matters relating to the welfare of children. They are the three tests that we apply.

**Mr BLEIJIE:** Mr Reilly, you mentioned contribution to assist, where you go and ask them for a contribution to assist. Can you give a brief explanation of what situations will arise there? Do you ask them for money or is it half-half? What is the story with that?

**Mr Reilly:** We ask for a contribution. There is a minimum level of assets and income and there is a maximum level and then there is a sliding scale of contribution they can make between the two. The way in which that is calculated varies depending upon whether the person has a partner who earns income or has one or a number of children. So we take those circumstances into account in determining that sliding scale. It is not something that I can simply capture here in a few words. There are documents we have available for people that takes them through that.

**Mr BLEIJIE:** If someone requires Legal Aid assistance, they are knocked back at the first instant but then they either appeal it or apply again and Legal Aid say, 'We'll give you assistance but we'll look at a contribution to assist', what happens to a person if they are in that situation and their only asset is, say, a house and they have no money in the bank and their income is a pension or single income? What happens to that person in that situation where they just have no means to contribute? What does Legal Aid do in that situation?

**Mr Reilly:** If they do not pass the income test or the assets test and their case satisfies our guidelines in terms of merit—it is a type of matter we fund and it has merit—then we fund it. What we do is we provide a grant of aid and that grant of aid is either allocated to one of our in-house practitioners or to a preferred supplier private law firm.

**Mr BLEIJIE:** How do they pay that? Do they pay that grant of aid back?

**Mr Reilly:** No, unless it is one of those situations where they are assessed as being required to make a contribution.

**Mr BLEIJIE:** Is there a repayment method in Legal Aid? If someone obtains Legal Aid assistance, is there a method where by agreement X, Y, Z agree to pay Legal Aid back?

**Mr Reilly:** Only in circumstances where the person is assessed as being able to do that because their income or assets are sufficient to enable them to do that. Our clients are the poorest in the community. They are extremely disadvantaged. Many of them are dependent on pensions or social security allowances. They often have little or no assets. Many are drug addicted and homeless. The reason Legal Aid is available to them is because they are not able to afford to obtain legal assistance privately and, in order for the rule of law to function well and there to be equality for people, the state says that these people should receive some financial assistance because they are not able to pay for that assistance themselves. So, no, we do not chase them to recover the Legal Aid grant of aid after they have received it, except in those circumstances where they are assessed as having sufficient income or assets to make a contribution.

**Mr BLEIJIE:** How would you chase that money? If they do have an asset, how would you then secure your money?

**Mr Reilly:** The principal way we do it is through taking a charge over property. The type of charge we take is enabled by the Legal Aid act itself. It is a special charge that we can take. It does not attract interest and remains registered on the title deed until the property is sold or transferred as part of a deceased estate. Those are the circumstances in which we recover, so it sits over the top of the property.

**Mr BLEIJIE:** So a mortgage over the property?

**Mr Reilly:** Effectively, but it is something we only pursue if the property is sold or transferred as part of a deceased estate.

**Mr BLEIJIE:** Mr Chairman, I want to give Mr Reilly an example of a situation. Considering the sub judice rules, I will not go into the detail, but I guess if I can just put some things to you, Mr Reilly, because I do not want to be in contempt of the committee and the sub judice rules, Mr Chairman. It is in relation to these mortgages and charges that Legal Aid take.

**Mr Reilly:** Sure.

**Mr BLEIJIE:** I have become aware of a situation where this in fact has taken place—a mortgage has been registered and the people have in fact signed the mortgage.

**Mr LUCAS:** Is this the Sunshine Coast matter?

**Mr BLEIJIE:** Yes. It was referred to me as the shadow Attorney-General.

**Mr Reilly:** Yes, and I am aware of it too.

**CHAIR:** Now that the actual situation has been identified, I think we had better be very careful about the sub judice rule. I think it would be better if you just asked the question abstractly.

**Mr Reilly:** I note that under the Legal Aid Queensland Act there are extremely stringent privacy rules and I cannot discuss individual matters. It becomes a criminal offence actually.

**Mr BLEIJIE:** So one of the questions I have is this: if a person's title deed has noted on it a mortgage from Legal Aid, would there come a time when the person in fact knows how much money is owing to Legal Aid? What does Legal Aid do to that person to tell them how much money is owing?

**Mr Reilly:** The amount of legal aid that might be expended on a matter can only be known when the matter is concluded, and that is because, for example, a family law matter may have many steps involved in it and may go on for some time. So Legal Aid constantly monitors those matters which go on for some time, particularly, for example, family law matters involving children. These matters go on and on and on and often the court will have a hearing and say, 'Okay, here's the orders for now. Come back in 12 months time. We'll have another look at it,' and when it comes back in 12 months time there are more orders that need to be sought and there is more lawyers' time that needs to be provided and so on and so forth. So it is difficult at the beginning of a matter to tell a person exactly how much a matter is going to cost, because there are a lot of variables, if you like, in the equation.

**Mr BLEIJIE:** Surely those people are entitled to progress reports on what the total figure is to date. Because they will essentially owe the money to Legal Aid, one would think that they should be entitled to progress reports.

**Mr Reilly:** Yes.

**Mr BLEIJIE:** They do not get progress reports on these sorts of matters?

**Mr Reilly:** The grant of aid is provided to a law firm or through in-house solicitors, so it is not a pure solicitor-client relationship. I would not be able to say exactly what progress reports are provided by us to clients because we work to the client through a law firm. So the money is paid to a law firm.

**Mr BLEIJIE:** Indeed, but you are taking mortgages on not the lawyer's property; you are taking mortgages on these people's properties in these situations which you have identified. If these people were to ring Legal Aid to find out what is the current balance that they owe Legal Aid, can they get that from telephoning the general number for Legal Aid?

**Mr Reilly:** They would have to talk to Grants Online and I could not tell you exactly if they could in every single case. The point you make about transparency of the amount of legal aid expenditure, I think, is a very good one. That is particularly the case, as you say, in situations where we have taken a charge over a property. I agree with you and I think it is a point that, if I can say at this table, I am happy to look into and make sure we are doing everything we can to do the right thing by our clients. We are very committed to them and we will take that on board.

**Mr BLEIJIE:** Have you made any recommendations to the Attorney-General or the department with respect to more disclosure and information being available to these people?

**Mr Reilly:** No, I have not. When the media matter came up, I am aware of that matter and it has raised my interest in the issue—without going into the particulars—and I have had conversations with officers in Legal Aid, including the director of our grants area, to have a look at that matter for me. I think the points you raise are valid and are worthwhile being looked at further.

**Mr LUCAS:** Can I just add to that, if you do not mind. The eligibility guidelines and those sorts of things are matters that are determined independent of the Attorney-General in that sense. So in terms of Legal Aid deciding what rules it will impose are a matter for it in its internal structures. I cannot direct that someone gets aid or does not get aid in a particular circumstance. That is really a matter internally for Legal Aid.

**Mr Reilly:** We do not provide any information about individual cases to the minister of the day. Under our act, we are not able to. It is an important distinction, if you like.

**Mr BLEIJIE:** In finalising this particular issue, if in the situation where Legal Aid take a mortgage over one's property, what you are sort of indicating to me—and correct me if I am wrong—is that you will now look at the situations for more disclosure or information to become available to those people?

**Mr Reilly:** I am very happy to. I cannot comment on individual cases, but I will have a look at this issue generally and hopefully it will flow through into that case.

**Mr BLEIJIE:** You said—

**Mr Reilly:** So I will have a look at it, yes. Thank you for raising the issue. It is an interesting one and one where we can do a little bit better.

**Mr BLEIJIE:** I raise it because I do agree with you that Legal Aid is certainly dealing with some of the most vulnerable people in our community, but then that vulnerability is sometimes exacerbated by the fact that these people will forever have a mortgage over their property until they either sell or die, not knowing potentially the amount of the mortgage. Does Legal Aid require or advise those people to get independent legal advice prior to entering into mortgages with Legal Aid?

**Mr Reilly:** That is another question I cannot answer, I will be honest, but another good issue to raise and another thing that I will look at.

**CHAIR:** Speaking of clients suffering from adversity, I ask the Attorney: on the question of Legal Aid, was Legal Aid able to assist during the flood?

**Mr LUCAS:** First of all, I want to publicly thank my department—whether that be the Department of Justice and Attorney-General or the various agencies—for the work that they did on a voluntary basis through their various staff in the floods and cyclone emergencies. Legal Aid in partnership with a number of other Queensland legal organisations set up flood and cyclone legal help right across the state. First of all, I should just mention that a number of Queensland lawyers—and I thank the Law Society for their actions—certainly undertook pro bono work in relation to victims of floods and cyclones who are needing to negotiate with insurance companies and the like.

Secondly, the Legal Aid Office provided \$250,000 direct to the community legal centres to create state-wide networks of lawyers to deliver free flood and cyclone legal information and advice. Some of the things that we did included fast-tracking inquiries received by Legal Aid's call centre; attendance at community recovery centres to assist flood and cyclone victims with immediate legal issues; coordinating pro bono effort of Queensland Lawyers in partnership with the Law Society, Bar Association and QPILCH, the Public Interest Law Clearing House; the development of a flood and cyclone legal help website; participating in community meetings; and, probably most of all that I wanted to refer to, provision of ongoing work for flood and cyclone victims in relation to insurance claims and housing and tenancy issues. The team we have in Legal Aid are just top drawer in terms of the work that they have been doing in terms of representing people who have flood and cyclone claims.

Most people in the community probably might only have one flood or cyclone claim in their life, but certainly can I say that they would be quite intimidated by the legal processes and nuances involved, what the definitions are, how things happen and the like whereas when you have a team of people who do a lot of it they become very familiar with the procedures. To date Legal Aid have assisted 109 clients out of a total 461 variously being helped disputing insurance claims. We have provided \$250,000 to community legal centres. We have what we call a collaborative insurance law service to help clients experiencing delays in getting a response to their insurance claim who have had their claims fully or partially refused. Some 600 are currently being assisted by the service and there have been a number of successful wins for clients in overturning claim decisions on review to date.



Part of the money for this comes from the Commonwealth in terms of \$200,000 and the Insurance Council of Australia in terms of \$250,000. So it is not just the negotiating with insurance companies and the internal processes but then when it goes to the claims panel and the like with the Commonwealth Insurance Ombudsman. So that has been an important aspect of that. I should also note the Public Trustee through his people as well in terms of assisting victims. You only had to go to some of those recovery centres in Brisbane to note that many of the people who were there were actually people who are probably under the support of the Public Trustee. So I am very proud of the work that Legal Aid have done in relation to these issues.

**CHAIR:** Was that able to be delivered as effectively in remote and rural areas? Generally speaking, how is Legal Aid going with its endeavour to give equal service across the state?

**Mr LUCAS:** It is actually quite interesting that we have 13 regional offices with 111 staff providing services to regional Queensland and a state-wide network of 318 preferred supplier private law firms. In 2010-11 we provided 17,888 grants of aid in regional, rural and remote Queensland. Two-thirds of the grants of legal aid are in regional and remote Queensland. That is significantly in excess of the population share. It just shows you that in regional and remote Queensland we are providing two-thirds of those grants: 15,328 of those 17,888 were provided to private practitioners. So the majority of them were to private practitioners. Duty lawyer services were also offered in Magistrates and Children's courts at 79 locations throughout Queensland. Duty lawyers provided criminal law services to 41,473 people appearing in regional courts in 2010-11. In the last year, 30,126 pieces of legal advice were given and 68 per cent of those were given to regional Queenslanders.

Services were provided in person and over the phone. There is also a free state-wide telephone legal help line and an Indigenous hotline. Legal Aid does outreach clinics in regional communities such as Charleville, Goondiwindi, Bowen and Ravenshoe as well as in Indigenous communities such as Bamaga, Aurukun and Palm Island. Legal Aid is very significant in its presence in these communities, particularly as a purchaser of services, and we appreciate the role that the private profession provides in them.

**CHAIR:** What about the role of Legal Aid with respect to domestic and family violence? I am sure you are very well aware of my views on section 280 of the Criminal Code, but I am not asking about that. I am asking you about family violence specifically and the extent to which within its guidelines Legal Aid is able to assist victims of domestic and family violence.

**Mr LUCAS:** I think it is fair to say that Legal Aid has been increasing its presence in relation to domestic and family violence issues. Putting aside the question, it has specialist family law services that it provides as well. During 2010-11 it provided 3,169 people with legal advice about domestic violence and provided legal representation for 1,479 domestic violence matters. We have seen cases where, for example, men in particular force women out of their places of residence. That has almost been like a property order, which is why we really want to get in there and represent people so that they can have their rights properly agitated.

We participate in the development of domestic violence policy and two specialist units—one a domestic violence unit and the other Women's Legal Aid. Women's Legal Aid is a group of specialist female lawyers and social workers who provide services to women, policy advice and innovative legal responses to domestic violence. We also support directly the Breaking the Cycle of Domestic and Family Violence project at Rockhampton with the Department of Communities, the Police Service and my department. The government has provided \$320,000 over the past two years to Legal Aid to provide specialist domestic violence services. The program has operated for three years, in Ipswich for about 18 months and is expected to expand to the Gold Coast in the next few months.

The government has also more generally been undertaking work in relation to domestic violence issues to look at how we might harmonise our laws with those in other states. That is predominantly for my colleague the Hon. Karen Struthers, but in my portfolio we clearly have a real interest in how we are doing that. Incidentally, the Coroner has set up a unit in the coronial office on domestic violence related deaths to make sure that we are fully identifying them, to ascertain trends and the like.

**Mr FOLEY:** My question to the Attorney-General is with regard to regional Queensland. What can be done to make greater use of technology to expand the availability of legal aid—things like Skype?

**Mr LUCAS:** I think we need to look more at how we might facilitate that in the courts. Whilst the vast majority of criminal matters—I will get the statistics in a moment—in Queensland are heard in the Magistrates Court and we have magistrates throughout Queensland, we do not have them in every location in Queensland. We have them in places where people circuit and the like. So magistrates will visit, but not immediately. We have in remote Indigenous communities our Justice of the Peace (Magistrates Court) who can deal with matters and often does deal with matters—not the most serious matters but other matters—pending circuits coming out there. But I think it is fair to say that, with the NBN being rolled out, the ability to have people dealt with remotely or, in fact, to have legal advice provided to them will be important.

Legal Aid provides telephone and other advice. The problem is that in some communities there are not lawyers there. So with all the will in the world—even if you said, ‘We will have a local agent’—if there is not a lawyer in that community but the courts can circuit there, then that is an issue. Similarly, different lawyers conduct matters in different ways. In some courts you can have a difference, depending on who is the duty lawyer of the day, in how many matters get referred or adjourned and how many matters get dealt with. I might ask the CEO of Legal Aid if he wants to make any additional comments in relation to that.

**Mr Reilly:** I think the Deputy Premier has pointed out the potential benefits of using videoconferencing and so on. We already use videoconferencing in some situations. We were a leader in setting up a state-wide call centre so that people could ring us from across the state free of charge. So we already use technology a lot. We have a great videoconferencing set-up to help us provide legal advice to prisoners across the state. It reduces the cost of having to send lawyers out. So it is very efficient as well. So there is sort of a win-win there.

**Mr FOLEY:** Mr Reilly, is that mainly using the existing videoconferencing facilities that are available in some of the major prisons like the Maryborough Correctional Centre?

**Mr Reilly:** Yes.

**Mr FOLEY:** I know that people appear by video link and so forth.

**Mr Reilly:** I assume we use the same videoconferencing facility. I have not been to the Maryborough prison in particular; I have been to other prisons. We have the screen set up—

**Mr FOLEY:** I have only been there in a visitor capacity.

**Mr Reilly:** I cannot say for sure exactly but, put it this way, videoconferencing works very well in prisons across the state and it is a very good system.

**Mr FOLEY:** I have a further question to Mr Reilly. Either you or the Attorney-General mentioned earlier that the free legal advice—as in the telephone advice service—is available to people, non-means tested. As a member of parliament, a number of times I have had people in my office and I have said to them, ‘I am not a lawyer. You need to get legal advice,’ and they say, ‘We can’t afford it.’ This might be a person who owns their own home but they are a pensioner. They need the most basic of legal advice. Even if we knew the answer to the question, we would be putting ourselves in a very precarious position if we were to provide that advice. So we can say, ‘You can contact Legal Aid’?

**Mr Reilly:** They can and they will receive legal information about any matter. In terms of the types of matters we provide legal advice on, we do not purport to be able to provide legal advice on everything for everybody. Our lawyers are specialised, if you like, in property law. So that is areas like criminal law, family law, tenancy law and things like that. Our lawyers tend not to have significant expertise, for example, in commercial law outside consumer law matters. So there are some limitations on the scope of the services that we provide, but within those limitations, yes, free advice is available.

**Mr LUCAS:** If I might provide some further information to the honourable member on that point, one of the issues, of course, with legal advice is that you can only provide advice upon the information that you are provided.

**Mr FOLEY:** Of course.

**Mr LUCAS:** Sometimes matters are extremely complex and that limits a little bit the advice that can be provided to someone. I think it is very hard to advise someone of the prospects of something as distinct from the pathways that they might choose in the absence of representing them. I make two other points. The Public Trustee has an extensive network of offices throughout regional Queensland. Often for people some of the most important events for them—in fact, for pensioners—are wills and the like. They provide a free will service. I will ask the Public Trustee to comment on that in a second. The second issue is dividing fences and trees, which we have discussed partly in parliament. We are not subject to the anticipation rule here, are we, Mr Chairman?

**CHAIR:** No.

**Mr LUCAS:** As the honourable members here would know, the existing law in relation to trees is that you have to go back to the old statutory nuisance remedies, which were, of course, not good. The new law will allow far better remedies for people to make it easier for them. I might just ask the Public Trustee to comment very briefly on the wills service and other services that it provides to people.

**Mr Carne:** One of the most important things we are dealing with at the moment as a government agent is to be able to deliver our services into regional Queensland. Historically, like all government agencies, we have been operating out of major centres up and down the coast. We have 16 offices throughout Queensland and they go all the way from Southport—major offices around the south-east corner, of course—up the coastline. We have an office in Maryborough, Townsville, Cairns, Mount Isa, Rockhampton and Gladstone.

What we have found, of course, is our difficulty is to get out into our communities and deal with our clients, many of whom are elderly. We are doing a lot of work at the moment with the state government demographer to identify where our client base is congregated. Obviously, Hervey Bay is an

area where there is a huge number of elderly people who need our services. Because we have our major office in Maryborough—and Maryborough and Hervey Bay are a good example of what we are doing—we are looking at ways of getting out into the community with our services.

The honourable member is correct: using technology is a very effective way. Last year we did 24,000 free wills. We are the largest will maker in this country. Next to us is I think New South Wales, which does about 9,000 wills. The reason for that is that we are free. We do not charge for a will whether we are appointed the executor or not. Our responsibility is to provide Queenslanders the opportunity to have a will and, of course, also an enduring power of attorney, which we charge for. But we are the largest will maker.

The difficulty for us is to get into the community. What we are doing now is developing mobile will makers and using a computer system to provide for that. We have a software package called Chameleon, which is one of the most sophisticated software packages that enables us to do the will in front of the client while they are there and then produce that will and have it executed, which is a very effective way to provide that service.

The other thing we are looking at is how we can get into the regional areas. For the honourable member at Kawana we have opened a very good office on the Sunshine Coast, because that is an area we have identified as having a huge client base that we need to service. So the regional service to our clients, with will making and all of our other services, is so important.

The other aspect is that, like Legal Aid, we are conscious that we get a lot of clients who need instant information, particularly when a loved one has died. A lot of my trust officers complain continually about the fact that they spend all of their time on the telephone. It makes it difficult to do their actual file work. In October we will be opening a contact centre as well. We purchased a large building on the north side of Brisbane and we are going to move all of our wills—we have over 900,000 wills currently in storage—into that state-of-the-art storage area. We are also going to set up a contact centre, which will service all of Queensland. That will enable Queenslanders to ring in and ask any question they have in regard to estate matters and will matters and we will be able to provide that service. So the use of technology is very important for us.

**Mr FOLEY:** I realise that the service is free but, roughly, what is the percentage of wills for which you would go on to administer the estate?

**Mr Carne:** That is a very good question. Unlike any other government agency, the Public Trustee office is totally self-funding. So we have to generate from our commercial operations sufficient income streams to meet what are called our community service obligations. Last year they were in the order of some \$24 million. As the CEO of that organisation, the biggest challenge I have is that I have no control over that overhead, which is my major overhead. It is growing at the rate of about 12 to 15 per cent per annum. We get appointed by QCAT to administer the financial affairs of Queenslanders, many of whom have no assets and have no ability to afford our services.

At the end of the day, our major commercial operation is the administration of estates. We do on average about 2½ thousand estates a year. We are the largest administrator of estates in this state. The next largest would be your large law firm, and I suspect that in a year it would do in the order of 180 to 200 while we do 2½ thousand. Of the number of wills that we do, one of the things we are seeking to achieve under our strategic plan is an increase in the percentage of wills that we write for clients for which we are actually appointed as the executor of the estate. Two years ago it was in the order of 51 per cent. At the moment it is at 68 per cent. Under our strategic plan we are seeking to get to 70 per cent. We believe that we will get there. On average, it is around 70 per cent in which we will be acting in the administration of the estate.

**CHAIR:** Further to the question that the honourable the Attorney raised about the anticipation rule, the anticipation rule requires the chair to have regard to the probability that anticipating a particular debate will prejudice the debate and the length of time that it would take before the matter would come before the parliament. I would think that if the issue related to the appropriation and the question related to the impact of the piece of legislation on the appropriation, then that would not be anticipating debate, that would be anticipating the appropriation. Who has a question? The honourable member for Mount Isa?

**Mrs KIERNAN:** My question is, in fact, in relation to estates, but in the context of funerals. With the protection of families, particularly at such sad times, and the funeral industry itself, I would like to ask the Deputy Premier to outline what engagement he may have had with this industry and the industry representatives and what are some of the issues that the industry may have raised?

**Mr LUCAS:** I thank the honourable member for the question. Every year about 27,000 deaths are registered in Queensland and, of course, the vast majority of those people have funeral services, whether they be cremations—the majority is now cremations—or burials in this state. There is a small fund in relation to impecunious people where the state gives what used to be called a pauper's burial. I can get you those statistics if you want them. I don't have them at hand. I do have them somewhere here. The vast majority of funerals are people who go through the private funeral industry. We have

fortunately seen only a small number of complaints about the conduct of a number of individuals in relation to funerals. The problem with that is that when someone is arranging a funeral they are at their most vulnerable time. They are thinking about the loss of their loved one. They may not have arranged funerals before so do not particularly know what is a fair thing or what is not a fair thing in terms of what they pay for. It is a very difficult time for them.

We have a number of important industry associations in Queensland—the Independent Funeral Directors Association of Australia, the Queensland Funeral Directors Association and the Australian Funeral Directors Association—all of which have very high standards. In fact, there is a fourth one. The name escapes me at the moment. All four have very high standards in relation to the conduct of the industry. But what they are concerned about, and we have seen some issues in the media, is where, for example, people have thought that their loved one was going to be cremated at a particular place and found out subsequently that their loved one was not cremated at that particular place. How we might better regulate the industry? One solution might be to have a state registration body for the funeral industry. The issue with that is, of course, bearing in mind the relatively small amount of complaints that we get, that that would add a significant cost and level of bureaucracy to the funeral industry in Queensland and ultimately that cost would simply be passed onto people arranging funerals.

What the association is currently finalising is a submission to me that will examine some options for industry reform, targeting particularly, for example, compulsory membership of an association and, potentially, a compulsory code of conduct. That has the advantage that the industry deals with the regulation part of it. It can deal with that more expeditiously and efficiently. There are precedents for that in terms of security providers. That is the mechanism by which the security providers industry is provided. In the meantime, the government has indicated that we will undertake a number of actions to deal with matters. The government will amend the relevant legislation to ensure that the current legislation provides that a person in charge of a crematorium labels a person's ashes correctly, including that the label placed on urns must include certain identifying information about the deceased person and the location of cremation. Also, the person in charge of a crematorium or who arranges for the disposal of a body will have to lodge a cremation or burial notice electronically. We will have some exceptions for remote locations. What that will do is marry that information up to make sure that those unscrupulous people are dealt with. There is nothing wrong with, for example, reaching an arrangement with a funeral director if there is a death in Brisbane and you want to have a cremation out of Brisbane as long as that is what you actually agree that you want. It is when you think that a cremation might happen in Brisbane and it happens elsewhere that it becomes an issue. I can't comment any more on that because that is a matter that is subject to current investigation. Just for the interest of the committee, the number of state assisted burials in 2010-11 was 332. It is very, very modest in terms of the 27,000 deaths that we have in Queensland.

**CHAIR:** I call the member for Kawana.

**Mr BLEIJIE:** Before I proceed to another line of questioning, just on that issue, Attorney-General, are you aware or did the government receive a copy of the Centre of Philanthropy and Non-Profit Studies *Best practice in funeral industry regulation* report dated 2005? Had the government received that report?

**Mr LUCAS:** I have just been handed a copy of it.

**Mr BLEIJIE:** I guess the answer is yes.

**Mr LUCAS:** What we are doing is undertaking a process of direct consultation with the industry. I physically met the industry. I have received a number of representations from members of parliament. The Law Reform Commission, you would be aware, is currently having a look at a number of issues in relation to these matters and, in fact, the parliamentary committee was looking at some environmental issues. This is something that is on the active agenda, as I indicated a few minutes ago.

**Mr BLEIJIE:** You have confirmed you have got a copy of that. The department has obviously had a copy of it. My question gets to the heart of many issues that we have talked about in relation to sentencing and sending things off to the Sentencing Advisory Council. Your government has been in government for 12 years now. This report is dated 2005. Why, at the last 11th hour of this term of parliament in terms of an election in March, all the rush to implement laws and consult with the community when you have been in power for 12 years and this report was dated back in 2005?

**Mr LUCAS:** Just to go through the things in relation to issues, you mentioned the Sentencing Advisory Council and I will deal with that first: the Sentencing Advisory Council was only created relatively recently and it is currently dealing with a very important matter—minimum non-parole periods—

**Mr BLEIJIE:** But you haven't been able to deal with them for 12 years. Is that what you are saying?

**Mr LUCAS:** Well, no. Then you have got the issue that it is currently looking at—the other issue. This government, when it comes to the issue of crime, and I will get to the other issues, has repeatedly shown that it is tough on crime. For example, under the 2009-10 police statistical review, under this

government the overall rate of crime has dropped 28 per cent in the last 10 years, the rate of property offences has almost halved—48 per cent—and the rates of offences against a person decreased by 20 per cent. The Australian Bureau of Statistics 2010 prisoner characteristics report states that Queensland's rate of imprisonment is 161.6 per 100,000 of adult population. That is significantly higher than the Victorian rate of imprisonment of 105.5 per 100,000 of adult population, which is interesting when you consider that there are a million more people in Victoria. What we have done is introduced the Dangerous Prisoners (Sexual Offenders) Act. What that did was, unlike the previous regime, provide for a supervision regime. In other states, for example in New South Wales, they had their legislation struck down by the High Court because that legislation—Kable's case—was found to actually target a double punishment for a prisoner as distinct from the Queensland legislation which is very carefully drafted to take into account the issue of protection of the community. That legislation was amended in 2010 to include many more crimes. It also was amended to ensure that declared dangerous sexual offenders are subject to a mandatory supervision period of at least five years once they are released from prison. Declared dangerous sex offenders also face the prospect of having their supervision orders extended. In 2009 we introduced the Criminal Organisation Act aimed at disrupting and restricting the activities of organisations. We introduced the Criminal Proceeds Confiscation Act, and I indicated before the money we have taken there, and the Drugs Misuse Act. A number of other initiatives that we have announced in relation to the dangerous sexual offenders legislation have also been introduced and, of course, the Sentencing Advisory Council.

The problem is that you cannot, in our system of justice, just go in there and say this will be the minimum sentence for these crimes—well, you can say it, but you run the risk of either getting knocked off in the High Court or run the risk of actually having prisons teeming with people like they do in the United States. Do you think the United States is a safer place to be for people than Australia is? Do you think that the United States, with their criminal justice regime is, preferable to what we do? The great beauty of the dangerous sexual offenders legislation is that it is constitutional and it is designed around protecting people.

I reject the assertion by the honourable member that we have not done enough here. Our prison population is massively proportionately higher than Victoria; our rates of crime though have gone down. So the prison population has gone up and the crime rate has gone down and we are continually introducing further legislation to do things. On the basis of the assertion of the honourable member, whenever you change or fine tune legislation it means you should have done it before. That is like saying you get in and you introduce something in your first year and you never have to do it because you are perfect. What we will do is continue to introduce legislation that more and more and more targets these people as technology provides. GPS tracking, for example, is that point.

Having done with that, because you raised that issue, I will move onto the issue of funeral industry regulation. What I have done in relation to the funeral industry regulation is I have met the industry and I have spoken with them personally. Look, QUT have had a look at this. I am talking about the industry actually having a look at it themselves. We know that the Law Reform Commission is also doing it. I have announced that we will take action, prior to coming up with a model for regulation in relation to ashes and cremations and the like, so people have that assurance as well. I just say this in relation to your side of politics: your extra-parliamentary leader indicated that he does not support mandatory sentences, but on the other hand others of you say that you do. This is about actually coming up with good law, and we will do good law and good law in relation to the funeral industry. But remember this: the level of complaints that we had in relation to the funeral industry was 38, I think, off the top of my head. I will correct that if that is wrong. The industry's engagement has been excellent and I hope to come up with some really good outcomes with them.

**Mr BLEIJIE:** If I can move on to David Kerslake, the Electoral Commissioner, my first question is: Given the local government elections to be held in March 2012 and the state government election due to be held in March 2012, does the Electoral Commission of Queensland have adequate staffing and resource capacity to conduct both of these elections either in the same month or within a three-month timeframe of each other?

**Mr Kerslake:** At the moment we have completed our preparations for the state election. Our information systems and so on are being given a final go-over, as we speak, by internal people to check that everything is in readiness. We have completed our local government preparations to the extent that we can at the moment. There is, of course, a bill before the parliament and there are some aspects of that we would need to finalise. Clearly, having two elections to deal with in a very short time frame is not an ideal situation for any electoral body. It is not one that you would wish for. However, we are geared up to cope with it and we will deal with it.

**Mr BLEIJIE:** Thank you. Electoral Commissioner, I understand you said you have the information systems for the local government elections underway and the state government elections are rounded off at the moment. When you tie that into, for instance, March next year, when we could be faced with this double election, have you made any representation to the government or advised against having the two elections, in terms of resource capacity? Have you made any representations at all to the government in terms of the timing of these elections?

**Mr Kerslake:** No.

**Mr BLEIJIE:** Has the government made any representation to or had any communication with you in respect of the timing of these elections?

**Mr Kerslake:** No.

**Mr BLEIJIE:** Thank you, Electoral Commissioner. When was the commission consulted by the government in relation to the placing of caps on donations?

**Mr Kerslake:** I do not recall the precise date. A white paper was released in December last year. That white paper, from memory, was released on a weekend and I was advised of the content of that white paper on the Friday preceding its release.

**Mr BLEIJIE:** So it was released on the weekend and you were told about it on the Friday prior to the event?

**Mr Kerslake:** That is correct.

**Mr BLEIJIE:** You were not consulted prior to that white paper being released, apart from the day before?

**Mr Kerslake:** No. I should add, if you leave aside the funding and disclosure aspects of that white paper, there are some other areas that are picked up in that white paper that I had previously put forward. Some possible legislative changes in some of those areas were picked up in the white paper.

**Mr BLEIJIE:** What areas were they, Mr Kerslake?

**Mr Kerslake:** They related to areas such as what can be done in relation to enrolment reform to try to get a greater number of younger people on the electoral roll. One of those issues related to direct or automatic enrolment.

**Mr BLEIJIE:** With your first answer in relation to not being able to recall the precise dates about consultation but certainly the Friday prior to the white paper being released, we then had the electoral bill debated in this place. Were you consulted on the bill prior to it being debated in this parliament or prior to it being released by the government?

**Mr Kerslake:** Yes, I was involved in discussions. I should make a point of clarification that there are some areas that are clearly policy issues for the government of the day or policy issues for the parliament to debate and are not ones that the Electoral Commission would normally become involved in. That is as distinct from areas where you may be asked what might be workable in practice. We were consulted and asked about how various aspects of the current system worked. I assume that information would have been used to make assessments of what would have been practicable and what would not, but we were not involved in policy discussions.

**Mr BLEIJIE:** The system operation of this legislation—and correct me if I am wrong—is a minefield administratively for your commission; am I correct in—

**Mr Kerslake:** In terms of which aspect of that?

**Mr BLEIJIE:** In terms of the administration of your requirements now, with funding, disclosures, caps and political parties et cetera. You only have to look at the budget papers to see the amount of additional resources you have been given to handle these new laws. Were recommendations made by you in terms of the system or the operational items? Were recommendations made of that nature to the government? Were those recommendations taken on board in the bill that we have now debated and enacted? Were there any that were not?

**Mr Kerslake:** Firstly, in relating to funding and disclosure the answer is no. That falls squarely into the category of a policy issue for the parliament. In relation to some aspects that have now been picked up in the amendments to the Electoral Act, such as pre-poll voting as ordinary voting, if I can use that as an example, the commission was consulted and did have input on some of those issues.

**Mr BLEIJIE:** Was that input taken on board?

**Mr Kerslake:** Some of it was. A good deal of it was.

**Mr BLEIJIE:** Which items were not, that you had specific issues with?

**Mr Kerslake:** If I can just work through the issues that were taken on board. We pointed out that Queensland was the sole remaining jurisdiction in Australia where all pre-poll voting was still required to be done as declaration voting. We put forward a proposal for consideration as to whether pre-poll voting could be done as ordinary voting. We also pointed out, though, that that may not be feasible in all parts of the state, in all areas, and certainly it was taken on board our recommendation that the commission be able to prescribe those areas where pre-poll voting could be done as ordinary voting to make sure that it was feasible.

We also recommended that the cut-off point for the closing of postal votes be brought forward by a day. Currently, when people apply for postal votes they can apply up to the Thursday before polling day, which means by the time we get those perhaps at the close of business on Thursday it is simply

impossible for us to get a postal vote out to a person in time for them to fill it out on Saturday. We suggested that it be brought forward by a day. From memory, that has been implemented in, I think, the Local Government Act and not in the Electoral Act, but I may stand corrected there. I may have those the wrong way around.

**Mr BLEIJIE:** If an election were called tomorrow, would the Electoral Commission be in a position to hold that election?

**Mr Kerslake:** The Electoral Commission always has to be in a position to run an election, whenever it may be called. The difference between an earlier and a later election is that you may be developing your IT systems, taking into account lessons learned in the last election, or bringing them up to date to take account of the latest technology. You get to a point where, when you have completed that, you can then test it and run with it. If an election were called when that was not completed, there would be certain things that you would do manually, or you would use the old system rather than the new one. You are always in a position. Essentially, you may not be able to do all the wonderful things you had in mind, but you can always run the election.

**Mr BLEIJIE:** I am advised that one of the issues with the new system is that, of course, the new act deals with the Electoral Commission providing precedent or standard documents in terms of postal vote applications. I am advised that as of today those postal vote templates are not completed; is that correct?

**Mr Kerslake:** Are we talking about the approved postal vote form?

**Mr BLEIJIE:** Yes.

**Mr Kerslake:** A form has been drafted, but it has not been finally approved.

**Mr BLEIJIE:** That gets back to my question: if an election were called tomorrow, are all the documents—

**Mr Kerslake:** It would not take me very long to get that into an approved form.

**Mr BLEIJIE:** You would have to run that through the system to get the fastest approval process.

**Mr Kerslake:** We have a postal vote form that we have always used. That form would not be substantially different from what we have used in the past. One of the things that has concerned us in the past with the postal vote form is that, sometimes, where parties have put out their own forms they allow two electors to put their details on the same piece of paper and that causes scanning problems. That is unlikely to be the case in the approved form, but most of the other aspects will be similar to what has occurred in the past.

**Mr BLEIJIE:** It is a complex piece of legislation, so much so that the Attorney-General, on the day of the debate, introduced 54 amendments to the government's own legislation. For me, that indicates that it was a bit of a rush job. I am not asking for your opinion on this at all; it is my preamble. Fifty-four amendments prior to it even being debated in parliament would indicate to me that it is a complex piece of legislation. Due to the complex nature of the legislation, did the ECQ obtain external independent legal advice with respect to some of the complexities in terms of where the commission is concerned? If that advice was given, was that advice then provided to the government?

**Mr Kerslake:** Are we talking here about after the legislation had been passed or during its passage?

**Mr BLEIJIE:** From the commission's point of view, it is more relevant after the event because, at the end of the day, the Electoral Commission has certain obligations in that legislation. At any stage, did the commission get advice, particularly with respect to any constitutionalities with respect to people donating to political parties?

**Mr Kerslake:** No, we have not got legal advice on those particular points. We got some advice in relation to the payment of administrative funding which is provided for and how that would operate.

**Mr BLEIJIE:** Have you released that legal advice, Commissioner, or provided it to the government? What was the outcome of that?

**Mr Kerslake:** We have not provided it to the government.

**Mr BLEIJIE:** What issue did you have to get that legal advice with relation to public funding?

**Mr Kerslake:** One of the issues with relation to administrative funding—the administrative funding for political parties is straight forward enough, because that provides that a payment is made at a due date. There were some things we obtained advice on in relation to Independent members of parliament and the payment of administrative funding. We were really getting a definition of what administrative funding covered and how that relates to electoral allowances and so on.

**Mr BLEIJIE:** I guess that would be relevant to Independents and also to members of parliament from political parties, because we all get electoral allowances. Political parties get the administration funding element. If that advice was provided to you in relation to the Independents for the administrative funding, was that advice given to the government or political parties for their reference?

**Mr Kerslake:** No, because it is not really relevant to their circumstances. Political parties get administrative funding and they get that paid upfront. Independent members of parliament must first incur the expenditure to then generate the entitlement. They get paid after the event, if you like. That situation does not apply to political parties or individual members of parliament or members of political parties.

**Mr BLEIJIE:** Throughout the debate on the legislation there was much talk in relation to what is and what is not considered a campaign expense. At the time of the consideration in detail debate I went through a series of lists with the Attorney in terms of what could be potentially considered electorate expenditure pursuant to the act, or the bill at the time, compared to a community newsletter that a member of parliament puts out. Is the commission considering putting out guidelines or publishing documents in relation to what is considered in, because the comment at the time from the Attorney-General was that essentially I had to have faith in the court system, but in my view it should not have to go that far. If we have a piece of legislation and the Electoral Commission is administering that legislation, people should be able to ask, 'Is this electorate expenditure or not?' Are you intending to out any pro-forma documents to assist?

**Mr Kerslake:** Yes, we are. We are doing that in stages. We have already had some discussions with political parties. As I mentioned, we have already had some discussions with the Independents. There are further packages that we are putting together that will go up on our website that will relate to those issues and to third parties and so on. They are being worked on as we speak.

**Mr BLEIJIE:** Finally, after the white paper was put out on the weekend—you received it on the Friday—we then proceeded to the bill in parliament. Did the government advise you that this bill was coming before parliament? It was certainly introduced into parliament and then debated at the first available opportunity when some bills had sat for quite a long time on the parliamentary notice paper. From your perspective as commissioner, did you question the need to rush this legislation through the parliament?

**Mr Kerslake:** That is a policy issue. That is not an issue that the Electoral Commissioner should buy into.

**Mr BLEIJIE:** Did you express concerns at the time when you found out the bill was to be debated that the Electoral Commission may have potential issues with being able to administer this in a timely manner if the legislation was passed on a certain date?

**Mr Kerslake:** No.

**Mrs KIERNAN:** My question is staying with the Electoral Commission but it is to the Deputy Premier. Could you just outline for us what assistance the state government is providing for the Electoral Commission to implement the aspects of the new Electoral Reform and Accountability Amendment Act of 2011?

**Mr LUCAS:** Before I answer that question, Mr Chairman, with your indulgence, the department has advised me in relation to that QUT report—obviously, I was not the minister at the time—that the recommendations were not proceeded with because there were sufficient protection mechanisms already advanced in a lot of the recommendations and also that many of them would have resulted in high regulation which would result in additional cost for industry operators that then would be passed on. In any event, I have met with the industry. The industry has actually circulated a paper amongst themselves for finalisation prior to it coming to me. It is quite advanced. I am very positive about the interactions with the industry. A number of people have been to see me. In fact, Mike Horan brought a member of the industry in to see me. I also remember refereeing a rugby game at southern bay when one of the prominent people in the industry was supporting one of the teams there, and he came and gave me his views in a very polite fashion about regulation. So if you are refereeing football matches, people will come up and talk to you about regulation and things like that as well.

I thank the honourable member for the question. First of all, I think the Electoral Commissioner very appropriately highlighted the fact that the honourable member for Kawana appeared to gloss over that there are issues of accountability, integrity and policy matters. Policy matters are for governments to determine and the place for debating policy is in the parliament. People are, indeed, entitled to disagree in relation to those. The view of the government was to take the cash for comment away. Last weekend we saw that a whole lot of big businesspeople paid big money to go to the LNP convention. Get the cash book out! That should not determine the outcome of elections. We have heard about the secret dinners that Lawrence Springborg attended not knowing how much money people paid and who went to them. Frankly, Labor made a point a few years ago that that would stop on our side. However, you need to have a system that encourages people to run, that supports Independents and that supports democracy. It does cost money to run elections in a democratic system. It just costs a whole lot more if you do not have a democratic system. The price of that is very high indeed.

The new law is about having a regime where there is a level playing field and there is not undue influence by particular donors and the like. This was the subject of lengthy discussion in the public domain in relation to the appropriate integrity reforms. There had been discussion and submissions to—



I think David Solomon chaired the inquiry in relation to the future direction of politics in Queensland. This was not something that was dreamt up all of a sudden. It was something that had been the subject of extensive political debate. The issue of public funding, of disclosure of political donations and of cash for comment attendances had been the subject of extensive media coverage. This is not something that was unknown, surprising or came out of the blue.

The amendments will limit the potential for any actual perceived undue influence to be exercised by any one donor or lobby group in relation to an election campaign. All Queenslanders deserve to have faith that the candidate they have working for them is working in the best interests of the community, not just the big-spending few. These laws change the financing of electoral campaigns in Queensland, building on the integrity and accountability of our state's electoral system. The laws limit donations that a person can give to candidates in the same political party or to Independent candidates as a group to \$2,000 or \$5,000 in donations to each registered political party. The donation cap applies to donations received on or after 1 January 2011. To balance the effects of capping electoral donations and expenditure, the act provides for increased public funding to political parties and candidates for elections and administrative funding for political parties and Independent members. The reforms to election funding contained in the act will ensure political parties are effectively able to provide information to the general public during election campaigns. They are not significantly reliant on third-party donations to enable full communication to occur. The level of reimbursement which will be provided to parties and candidates will depend on the amount spent during an election campaign. Funding provided will not exceed the amount spent—that is a Pauline Hanson special—and therefore no party or candidate will make a profit.

In addition to election funding, political parties and Independent candidates will be entitled to make a claim for administrative funding. The maximum funding which can be claimed for the next state election will be: Independent candidates, up to \$31,875 for each candidate; party endorsed candidates, up to \$21,250 for each candidate; political parties, up to \$60,000 for each electorate in which the party fields a candidate. From 1 January 2011 members of parliament can claim administrative funding for Independent members up to \$20,000 every six months in arrears, political parties, a lesser amount of \$40,000 for each elected member or \$1 million every six months.

So you do need to have a method of scrutiny. There will be a funding and disclosure unit. The commission in this expanded role has been allocated annual funding of \$3.2 million for the establishment and indoctrination of the funding and disclosure unit and also \$1.2 million in capital funding to assist the development and fit-out. The main role is to ensure transparency and accountability of financial activities through robust monitoring to ensure transparency and accountability of financial activities. I should note that the white paper was released in December 2010. Submissions closed in February 2011. Nine submissions were received in relation to that. The issue of reform was announced I think in 2009 first by the government.

The funding and disclosure unit will be the first point of contact to assist and guide relevant entities through the legislation. The unit will be responsible for determination of claims for payment of public funding made by registered political parties and candidates. It will also be responsible for the compliance review of election disclosure returns and registration of political parties.

The commission will determine the eligibility of a political party or candidate to receive public funding for electoral expenditure based on requirements as established under the act. I just make the point to the honourable member for Kawana that you can express views in parliament about what may or may not fall within. It is like saying, 'Here are the facts. Do they fall within section X of the Criminal Code or not?' One needs to always be careful. Parliament sets laws, other people administer them and courts adjudicate on them. That is the doctrine of the separation of powers.

Registered political parties and candidates will be able to lodge a claim with the commission for an advance payment of election funding. Registered political parties and Independent candidates will be entitled to receive administration funding. This funding cannot be used in state election campaigns. All claims for public funding payments will be reviewed and determined by the commission in line with provisions under the act.

Why is there is a cap on expenditure and a cap on donations for electoral purposes only but not a cap on donations for administration? Because the government charted a careful course to ensure the constitutionality of the legislation. Because political parties conduct both state and federal operations, the state does not have the power to regulate the activities of an organisation that impacts upon federal activities. Therefore, as much as we would have liked to have made it really clear that the cash for comment sort of stuff cannot continue to carry on, it can only continue to not carry on in relation to campaign donations. In relation to administrative donations, they went straight into the pockets of the LNP on the weekend.

**Mrs KIERNAN:** All of us I am sure hold a keen interest in what the Electoral Commission has put in place to increase enrolment, to manage accurate electoral rolls and to encourage voters to maintain accurate rolls. As we know, and particularly in the bigger electorates where I come from, it is really vital that this area is looked at by the commission.

**Mr LUCAS:** I thank the honourable member for the question. We maintain a joint state-federal electoral roll. That is the important part of having a system that is accurate and has integrity. One of the best things about an electoral roll is that, if it is accurate at the time of an election, people who are eligible to be on that roll to vote are actually enrolled. Some groups have traditionally low enrolment rates such as young people, people living in remote areas, Aboriginal and Torres Strait Islander people and people from cultural and linguistically diverse backgrounds. We strived to modernise the voter enrolment system to make it as easy as possible.


The commission does conduct community awareness activities to help increase awareness of the electoral process and encourage more representative participation. These activities are funded as part of the \$500,000 allocated annually for electoral reform initiatives. Throughout 2010-11 the commission promoted voter awareness at community events including the RNA show—which I always like to attend several times—the Tertiary Studies Expo, Country Week and at Australian citizenship ceremonies. Also, the commission provides information sessions to primary, secondary and university students.

The roll is an Australian electoral roll managed for us. The cost of that joint arrangement is predicted in 2011-12 to be \$2.2 million, up from \$2.19 million last year. The agreement is renegotiated every few years. Of course, we now have the arrangement whereby enrolment will be available at the age of 16. You will not be able to vote at the age of 16 but that measure is to encourage further children to enrol. At 16 and 17 provisional enrolment is allowed so at the age of 18 you can actually exercise your democratic right. I was wondering if the Electoral Commissioner wanted to add anything? Coming up to the election obviously the Electoral Commission does some more advertising on television and the like about people's rights to vote et cetera.

**Mr Kerlake:** I do not have anything to add.

**CHAIR:** Does anybody else on the committee have a question they wish to ask about the appropriation to the Electoral Commission? Secondly, if they do, do they wish to ask it more than they wish everybody here to have lunch? There being no further questions on that line of inquiry, the estimates committee is adjourned until 2.15 pm.

#### **Proceedings suspended from 1.13 pm to 2.15 pm**

 **CHAIR:** The estimates hearing for the Legal Affairs, Police, Corrective Services and Emergency Services Committee has now resumed. We will continue with the consideration of the proposed expenditure of the relevant organisational units within the portfolio of the Attorney-General. Mr Moynihan, please forgive us for speaking about you as though you were not here, but if you must insist on giving your name to administrative reforms of a sweeping nature there is no other way we can handle the matter. My question is to the Attorney-General and it is about the Moynihan reforms. Now that the first stage of the Moynihan reforms have been introduced and the various branches of the legal profession have had their professional development seminars about the new legislation and its consequences, could you identify and adumbrate and spell out the consequences of the second branch of reforms and their temporality?

**Mr LUCAS:** Thank you, Mr Chairman. Of course, as you correctly identify, discussing these sorts of matters is a bit like making a speech on what Patrick White meant in one of his novels when he is alive as distinct from saying what Shakespeare meant when Shakespeare is no longer around. I am here to be contradicted by Mr Moynihan lest I get anything wrong. Perhaps in a second I will give him the last word in relation to those matters lest I not emphasise the correct points or overemphasise ones that do not require it.

**CHAIR:** I do not think you actually can. I do not think you are allowed to do that.

**Mr LUCAS:** No, I cannot, can I, because he is not here in that capacity.

**CHAIR:** You have to do it.

**Mr LUCAS:** I will just do it all myself. One of the areas that is really important in terms of the law and where we can change things is not just substantive law—what the penalties are for things, what we create offences for and the like—but also procedural law. Whilst the law has a history that goes back hundreds and hundreds of years—and we are indeed very lucky to have inherited the greatest legal system in the world—it is important to remember that the law must adapt with the times and the procedure of the law must adapt with the times.

Even in my relatively short 10 years in legal practice things changed, and they have certainly changed since then. I do not think as a legal practitioner that I ever sent an email. Emails did not come in until I was elected to parliament. They were not there at the time I was a lawyer. You can, with appropriate procedural reforms, keep much of the important things that are part of the law but at the same time cut out extraneous material, make savings and make efficiencies. For example, we have very, very experienced judges in all of our courts now—the Supreme Court, the District Court, the Magistrates Court, QCAT and the like. Therefore, I believe very much the time was ripe to increase the civil jurisdiction of the courts to reflect the appropriate skill set and the like.

The member for Kawana, for example, represents a near regional seat, as does the member for Surfers Paradise. The Supreme Court does not sit in those centres; the District Court does and obviously the Magistrates Court does. An increase in the civil jurisdiction of those courts means that more matters can be resolved within those communities. That is not just good for the local profession but also good for those communities and, by and large, matters that are resolved in lower courts are less expensive to finalise than other matters.

The first stage of the reforms involves an increase in the civil jurisdiction of the District Court to \$750,000 and the Magistrates Court to \$150,000; significant expansion in the summary jurisdiction of the Magistrates Court, where essentially matters can now be dealt with up to three years imprisonment; and an increase in the general criminal jurisdiction of the District Court to enable it to deal with indictable offences with a maximum penalty of 20 years imprisonment or less. There is very much a streamlining of committals—the introduction of registry committals and restrictions in the calling and cross-examination of witnesses. That not only has streamlined proceedings but also has resulted in significant savings, for example, for Legal Aid in relation to their funding of these matters.

The second stage will involve a comprehensive review of criminal justice procedure in legislation and rules and the development of a new criminal justice procedure act, rules and forms to consolidate, modernise and streamline criminal justice procedure. That new law will promote accessibility and efficiency in the court system and minimise delay.

The maximum monetary penalties that can be imposed for various offences will change as well and a single Magistrates Court will be created. This will eliminate delays caused by jurisdiction. One of the issues with the Magistrates Court is that the Magistrates Court has districts. Those Magistrates Court districts are where one needs to commence legal proceedings. The District Court had a particular provision—and the section has slipped my mind at the moment—where each District Court had jurisdiction over all of Queensland, and the Supreme Court is not relevant because it does as well. So you could always file a District Court proceeding at any court registry but with the Magistrates Court you could not.

Interestingly, the Port of Brisbane was in the Brisbane district of the Magistrates Court, notwithstanding the fact that Wynnum was in the Wynnum district of the Magistrates Court because the Port of Brisbane was reclaimed land and it had not been thought that it was going to be in Wynnum, but it is now in Wynnum. All of these interesting things will now be sorted out in these reforms. Greater use of information technology for electronic lodgements, filing and service of documents will allow significant time savings.

We are preparing draft legislation for targeted consultation and then we will go out further in relation to that. I should add as well that the Supreme Court itself has been part of a drafting process for a new civil procedure act that has been the subject of extensive community consultation that we would hope to introduce later this year.

**CHAIR:** Thank you. I call the honourable member for Kawana.

**Mr BLEIJIE:** Attorney-General, as the first law officer of the state, has the Premier sought your advice today with respect to two Queensland Health employees or are you conflicted to give that advice because of your former role?

**Mr LUCAS:** The Attorney-General does not provide public legal advice in relation to matters that are the subject of discussion. No, I have not discussed those—I have not provided any legal advice to the Premier today on any legal matter.

**Mr BLEIJIE:** Thank you. Mr Chairman, if I can move back to David Kerslake, the Electoral Commissioner. Commissioner, what is the total additional cost that has been budgeted for the state election due in March 2012 with specific reference to the recent changes in the electoral laws in Queensland and the increase in public funding, administration and campaigning of political parties?

**Mr Kerslake:** It may assist if I went through a few different figures to give you a total picture in relation to that. The total budget for the commission for this year is \$85.4 million. Of that, there is a total of approximately \$31 million which would have been expended this year without any recent changes in legislation. So that comprises the cost of our normal annual operation, the cost of the state election operational costs—

**Mr BLEIJIE:** In that \$31 million?

**Mr Kerslake:** In that \$31 million—and the amount for public funding of political parties that would have been paid under the old scheme. So that would bring it up to approximately \$31 million. So, of the remaining amount, there is approximately \$51 million that is both for local government elections and for funding and disclosure. If I can go through those figures: there is \$17 million approximately for the operational costs of local government elections; \$2.6 million for the conduct of by-elections—although it is perhaps unlikely that there would be any of those by-elections this year, so that money probably will not be expended—and \$1.3 million for a local government unit, a small unit within the commission, to coordinate all of those by-elections and local government matters generally. Apart from local

government, there is an additional \$23 million in public funding, \$4.5 million approximately—I have rounded off these figures a little bit—in administrative funding for political parties and Independent candidates, and an additional \$3.2 million for a substantially larger funding and disclosure unit within the commission to administer the new funding and disclosure legislation.

**Mr BLEIJIE:** Commissioner, thank you for providing those individual items. If we go back one step prior to this legislation, what is one figure that you can give me of additional costs for the Electoral Commission considering these new laws? So, rather than a breakdown, what is one figure that has been applied to the Electoral Commission or the Electoral Commission has had to seek because of the new electoral laws? There were reports at the time of \$26 million in additional funding. But you will see a major increase in funding for the Electoral Commission. So what is the total amount of additional funding because of the new laws?

**Mr Kerlake:** The total amount just for the funding and disclosure laws?

**Mr BLEIJIE:** Put it this way: had the new electoral laws not been in place today, but they are—what is the additional cost to the Electoral Commission for that?

**Mr Kerlake:** The additional cost would be just over \$30 million.

**Mr BLEIJIE:** And that \$30 million is broken down into \$23 million in additional public funding, \$4.5 million in administration funding and \$3.2 million for larger funding arrangements?

**Mr Kerlake:** For a funding and disclosure unit to administer those provisions. There will be 20-odd staff. We previously had 1.6 staff looking after funding and disclosure. Now there will be 20-odd staff looking after the new funding and disclosure provisions.

**Mr BLEIJIE:** Mr Chairman, I did want to move to another witness, if you are happy with that.

**CHAIR:** Yes.

**Mr BLEIJIE:** I will move on to the state Ombudsman, Mr Clarke. I am wanting to hear from the Queensland Ombudsman as to how many complaints have been investigated by the Ombudsman relating to public agencies that have either withheld or altered records either of the complainant or someone else in the last financial year?

**Mr Clarke:** Thank you for the question. The Ombudsman's office has two functions within the state: one, as the member has just alluded to, is the investigation of complaints, and the other is to help agencies improve their decision-making and administrative practice, which we do through a range of training programs, audits and the like. In the 12 months just finished, the number of complaints investigated across the state was 8,278 that were within the jurisdiction for the Ombudsman's office; in addition, 11,245 matters were referred to other agencies—so they were not within jurisdiction for our investigation but were referred; and then there were a range of other matters, including providing reviews and general inquiries information. I do not have with me at the moment the detail that the member seeks. With the minister's concurrence, I would need to provide that information to the committee at a later time.

**Mr BLEIJIE:** Through you, Mr Chair, I would request this through the Attorney-General: I am after how many complaints have been investigated by the Ombudsman relating to public agencies that have withheld or altered records either of the complainant or someone else. I seek clarification from the Attorney that he will provide that information.

**Mr LUCAS:** So you want how many complaints have been received by the Ombudsman against public agencies about these matters?

**Mr BLEIJIE:** About those matters that I referred, yes.

**Mr LUCAS:** That is fine.

**Mr BLEIJIE:** Thank you. Does the Ombudsman consider it would be maladministration to withhold information or only partially provide such information through, for example, a freedom of information application in any given department? Can the Ombudsman give any examples throughout any of the investigations that have been completed?

**CHAIR:** The question is out of order. You are not allowed to ask him for an opinion. You can ask him what is his policy if he received such and such an inquiry, but you cannot ask him what is his opinion.

**Mr BLEIJIE:** Thank you, Mr Chairman.

**Mr LUCAS:** On a point of order, Mr Chairman: the matters in relation to any allegations of such nature are properly the province of the Right to Information Commissioner who has the jurisdiction over those matters, not the Ombudsman.

**Mr BLEIJIE:** I will rephrase my question again to the Ombudsman, through you, Mr Chairman. With respect to matters of maladministration, have you conducted any investigations or inquiries in the last 12 months with respect to withholding information or departments providing partial information?

**Mr Clarke:** We conducted a vast number of investigations in the last six months in which I have been Ombudsman and in the 12-month period six months prior to that when Mr Smith and Mr Bevan were the Ombudsman. Public information, the keeping of records and the provision of information to parties are regularly part of those investigations, but I cannot bring specific matters to mind in terms of the question. We regularly make comment in our reports to chief executives of state agencies, to local governments and to others about public records and public administration.

**Mr BLEIJIE:** So you would have jurisdiction over those matters?

**Mr Clarke:** We certainly do have jurisdiction over those matters, yes.

**Mr BLEIJIE:** I guess my question is that the Attorney raised a point of order and said that you do not in fact have jurisdiction. Is the Attorney incorrect?

**Mr LUCAS:** Hang on. He is not the chair of the committee.

**CHAIR:** Order! It is not open to the Ombudsman or anybody else here to offer a legal opinion. If you want to ask the Ombudsman a question about the policy and the ambit of his province, that is okay.

**Mr BLEIJIE:** Thank you, Mr Chairman. So it is within your jurisdiction to investigate those matters as I indicated?

**Mr Clarke:** Public record keeping is part of the elements of investigations that we undertake for those matters that are within our jurisdiction, yes.

**Mr BLEIJIE:** Thank you, Ombudsman. If a public servant was in the situation of deliberately withholding or misrepresenting certain important information that would be of significant public interest, is this an act of maladministration worthy of consideration under the jurisdiction of the Ombudsman?

**CHAIR:** Order! That is a request for an opinion: 'Is it the standing operational procedure of the Ombudsman to investigate issues of that kind?' is a question that you can ask.

**Mr BLEIJIE:** Through you, Mr Chairman: Ombudsman, with respect to the items I have just discussed where we talk about public servants who are alleged to have deliberately withheld or misrepresented information, is it within the jurisdiction of the Ombudsman to investigate such matters?

**Mr Clarke:** The jurisdiction for the Ombudsman depends on the nature of those matters. Each of them would be considered on its merits, both the merits of the complaint and the allegations made. We would have to investigate those individual complaints and make an assessment as to the relevant legislation that applied because much of state legislation of course is specific to certain circumstances. We would investigate the specific application of legislation and then make a determination on the merits of the matter at hand.

**CHAIR:** Does anybody have any further questions of the Ombudsman, particularly on that topic? The member for Kawana now wants to move to a new line of questions.

**Mr BLEIJIE:** If I can direct some questions to the chairman of the CMC, the Hon. Martin Moynihan. Since your appointment as chairperson of the CMC, the following senior officers have departed the organisation: Mr Peter Scanlan, Executive Director; Mr Greg Rigby, Director, Information Management; Mr Russell Pearce, Director, Misconduct Investigation; Ms Helen Couper, Director, Integrity Services; and Ms Margot Legosz, Director, Research, who I believe remains suspended on full pay since February 2010. Between them, these officers had a combined service of about 70 years with the CMC or CJC. Quite apart from the loss of their corporate knowledge, what has been the financial cost to the CMC of the terminations, contract payouts and suspensions? By what process have these officers been replaced?

**Mr Moynihan:** Some of those officers left because they were no longer eligible for employment; there is a time limit on officers who can be held. Others of them were terminated in terms of the contract provisions that governed them. What has been done to replace them is that people have been put into those positions or those positions are being advertised at the moment but the positions are being filled.

**Mr BLEIJIE:** So all of those positions for those people I read out will be filled?

**Mr Moynihan:** Yes.

**Mr BLEIJIE:** And the financial costs to the CMC?

**Mr Moynihan:** I cannot tell you that without taking some time to look at it.

**Mr BLEIJIE:** Okay. Through you, Mr Chair, to the Attorney then: can he give an indication of whether the chairperson of the CMC can get those figures and get back to this committee?

**Mr LUCAS:** Unless there is someone here who can provide the information. We might attempt to resolve that by the end of the committee, but if we cannot I am happy to take that on notice.

**Mr BLEIJIE:** Thank you. Mr Chairman, the Director of Misconduct Investigations was responsible for the direct oversight of the CMC investigations of police misconduct, a role that historically had been performed by an experienced criminal lawyer. Since Mr Pearce's departure, is it true that the CMC restructured the management roles within Misconduct and that responsibility for a direct oversight of the CMC investigations of police misconduct now rests with a police officer? Does this present an arrangement that runs contrary to the theory that police should not investigate police?

**Mr Moynihan:** The answer is that, yes, there has been a reorganisation of Misconduct and it is also the case that there is a view by some people that police should not be investigating police. There are other views, some of which come out of the Fitzgerald report, that it is a healthy way to proceed using police. At the moment, I think it is all under consideration in relation to the matters that have arisen in the CMC's report and the subsequent steps to look at implementing it in relation to police misconduct. In other words, there is an issue in that case as to whether police will be investigating police.

**Mr BLEIJIE:** Right. The former Director of Misconduct Investigations, Mr Russell Pearce, had his contract paid out and at the time he had responsibility for the direct oversight of those investigations of police and, as I indicated, this was traditionally performed by a criminal lawyer. I note the CMC has made reference recently to police investigations and things of that like. I just fail to see with respect to the traditional role of the Director of Misconduct Investigations how the public can now have confidence in it when essentially it has been referred to police investigating police within the CMC.

**Mr Moynihan:** Because there are a series of layers of responsibility which are directed to looking at those issues and other issues.

**Mr BLEIJIE:** So when you mentioned before that the position held by Mr Russell Pearce, the former Director of Misconduct Investigations, will be replaced, when that position is replaced will that person then take charge of these issues again?

**Mr Moynihan:** Mr Pearce was I think acting in that position at the time when his contract was terminated and there have been steps to fill those positions and they have been filled.

**Mr BLEIJIE:** Thank you, Mr Chairman. In relation to Mr Pearce, he is now the deputy CEO of the new Tasmanian Integrity Commission. He is also a senior ranking officer and decorated military legal officer. He had previously given 17 years service to the CJC/CMC. In June last year, there were public accusations of Mr Pearce, the Director of Misconduct Investigations, making unauthorised disclosures of information, and I believe it was in the press at the time. Three months later, he was paid out of his contract with full entitlement. Is it true that the accusation against Mr Pearce related to comments attributed to him in the *Courier-Mail* article at the time? Is it also true that, as Director of Misconduct Investigations and consistent with CMC policy, Mr Pearce was entitled to make comments of the type the newspaper had attributed to him? Is it true that even of today Mr Pearce still has not been told of the outcome of the investigation instigated on this matter? Is it proposed that he will ever be told?

**Mr Moynihan:** As I said, his contract was determined under the terms of the contract, and that is the position. I have got no view or opinion about the other aspects that you have mentioned. The contract was terminated under the terms of the contract, not for a breach of those other considerations.

**Mr BLEIJIE:** So there was some press at the time; I believe you commented in the press at the time. The accusation at the time was that Mr Pearce related comments particularly attributable to that *Courier-Mail* article. Are you saying that in fact is not correct?

**Mr Moynihan:** No, what I am saying is that his contract was determined under the terms of the contract which permitted it to be done without any need to have any consideration of those matters.

**Mr BLEIJIE:** So what was the issue of the determination of the contract?

**Mr Moynihan:** I do not understand. What was the—

**Mr BLEIJIE:** Well, if his contract was terminated, why was it terminated?

**Mr Moynihan:** Because it was appropriate to do so in terms of—

**Mr BLEIJIE:** Appropriate how?

**Mr Moynihan:** The contract provided for determination in the terms which it was determined on.

**Mr BLEIJIE:** In certain circumstances?

**Mr Moynihan:** No, not in certain circumstances.

**Mr BLEIJIE:** Time? Time expired? Are you saying he was on a contract to time?

**Mr Moynihan:** No, he was not.

**Mr BLEIJIE:** So the contract was determined. I guess I am trying to seek from you who determined it, how it was determined and on what basis that determination was made.

**Mr Moynihan:** It was determined by giving notice under the terms of the contract and the contract allowed the engagement to be determined by giving notice, which is what occurred.

**Mr BLEIJIE:** With that notice, were there provisions of the determination of the notice, or do you have the right to issue that determination without any basis? I am trying to ascertain what was in the notice for this person to lose their job.

**Mr Moynihan:** I do not have the notice in front of me, but as I recollect it was just a matter of determination by notice under the terms of the contract.

**Mr BLEIJIE:** Can you tell me which terms of the contract you are referring to?

**Mr Moynihan:** No, I cannot. It is quite a while since I looked at the contract.

**Mr BLEIJIE:** There were provisions. You are saying that in the terms—

**Mr Moynihan:** There was provision for determination of the contract. The contract was determined in the light of those provisions.

**Mr BLEIJIE:** So Mr Pearce certainly had a senior role. He was the director of misconduct investigations. Who signed the notice of determination?

**Mr Moynihan:** I assume I did.

**Mr BLEIJIE:** Right. As a director in your commission, you are saying that you cannot recall why Mr Pearce lost his job?

**Mr Moynihan:** It was determined in the light of advice and by the terms of the contract.

**Mr BLEIJIE:** Who provided that advice?

**Mr Moynihan:** I am not sure. There would have been legal advice. I am not quite sure now. I mean, it was a while ago now.

**Mr BLEIJIE:** If I can make this as simple as I can: in terms of people who lose their jobs, there are reasons behind people losing their jobs. I am wanting to know why Mr Pearce lost his job. I do not accept that it was because we determined the contract. I understand that, but I want to know why the contract was determined and on what basis the CMC had to determine that contract.

**Mr Moynihan:** I have not looked at the contract for a while, but the contract did not require any basis as I recollect.

**Mr BLEIJIE:** So if it required no basis, am I right to assume, then, that that determination was provided—are you saying—without basis, or he was given the notice to leave and that was it, without any natural justice as to why he was asked to leave?

**Mr Moynihan:** The contract permitted determination in the way in which it was determined.

**Mr BLEIJIE:** You are relying on the contract provisions. You cannot provide the contract provisions to the committee; you have said you cannot recall. There must be a provision that said that you have the power to make that determination because of X, Y, Z and he did X, Y, Z allegedly, if that is the case, and then the contract was determined and he is no longer—

**Mr Moynihan:** I would need to look at the contract, but my recollection is that it was not in those terms. On my recollection presently it was not that, say, you could determine the contract 'on these events' or 'on these terms' or 'having formed this opinion'.

**Mr BLEIJIE:** So, again, why was he discharged from his duties, from the CMC?

**Mr Moynihan:** Because it was determined to proceed by giving notice under the contract which had that effect. It was at a time when there was movement and things were being changed, and that was what occurred. He was then paid out in accordance with the contractual terms that he was entitled to.

**Mr BLEIJIE:** But he must have been given a reason.

**Mr Moynihan:** I do not recollect that he was given a reason. I do not—

**Mr BLEIJIE:** He was a senior director of your office and you cannot recall why he was sacked?

**Mr Moynihan:** Not in specific terms. The contract was determined because, at that stage, with an assessment of where matters would go in the future, it was determined that that position would be vacated.

**Mr BLEIJIE:** Is it normal to do that in that instant, or would you, for natural justice, offer a suspension so that matters could be investigated? It seems quite extraordinary that someone would be just discharged from their duty—a senior officer of the CMC—but that you would not be able to provide any detail as to exactly why they were sacked.

**Mr Moynihan:** Again, I have not looked at the advice or the contract for quite some time now, but the process that was carried out accorded with the contractual terms as determined. In other words, I do not recollect that there was any legal requirement for any other way of determining the contract.

**Mr BLEIJIE:** I am curious, and I am questioning you in this line because in his current role he is now the deputy CEO of the Tasmanian Integrity Commission.

**Mr Moynihan:** Yes.

**Mr BLEIJIE:** Were you aware that when he applied for that position he was in fact given a letter of reference from your predecessor as CMC chair, Mr Needham—that is, Mr Pearce was given a character reference? So I am struggling to understand how a person who now serves as the deputy CEO of the Tasmanian Integrity Commission can be sacked from the Queensland CMC with what appears to be no justification—none can be provided to this committee today—but then also receives a character reference from your predecessor.

**Mr Moynihan:** Firstly, his contract was determined in terms of the contract. If that is being sacked, then perhaps that is being sacked. I know nothing about Mr Needham's letter.

**Mr BLEIJIE:** What is your definition of determination? If someone is determined—if the contract is determined—what does that mean?

**Mr Moynihan:** The contract can be determined on you being given notice that your contract is determined. There is not any requirement for any particular conduct or misconduct. It allows you to determine the contract without the necessity of any particular reason being provided. Again, the caveat is that it is quite a while since I looked at those things.

**Mr BLEIJIE:** And you indicated that you would have signed that notice.

**Mr Moynihan:** Which notice?

**Mr BLEIJIE:** The determination notice.

**Mr Moynihan:** Yes.

**Mr BLEIJIE:** But you cannot recall why you determined Mr Pearce's contract—a senior officer in your CMC?

**Mr Moynihan:** It was determined in terms of the contract. It is as simple as that.

**Mr BLEIJIE:** Mr Moynihan, how does this committee see this contract? Have you officers here today who can locate this information so that prior to 9.30 this evening you can report back to this committee and look into this issue for me?

**CHAIR:** Order! You cannot ask anybody other than the Attorney-General to take a question on notice, I am sorry.

**Mr BLEIJIE:** I would appreciate, Mr Moynihan, if there is any way that I may be able to further question you later today in relation to this issue, that you might be able to become more up to date on the issues that I have asked you about.

**Mr LUCAS:** Mr Chairman, I just make this point: what information the CMC provides in relation to these matters is a matter for it. However, the CMC has an administrative or financial path through the Department of Justice and Attorney-General but its conduct of investigations, its management of its staff and the like are matters that are appropriately done through another committee—another parliamentary committee. In terms of whatever the CMC provides to the committee, I am just very conscious of not trampling on the role of another committee. If there is a suggestion that the CMC have not conducted something appropriately then that is a matter that the honourable member is quite entitled to pursue, but I am just wondering whether it is something that I do not think we can take further in this committee. I am not trying to be difficult.

**CHAIR:** I was not suggesting that you could; I was just making the point that you are the only person in the room of whom a request can be made that a question be taken on notice. The request that the member for Kawana subsequently made, I think, was not placing a question on notice; it was a generalised plea for further information if it should be vouchsafed.

**Mr BLEIJIE:** It is, Mr Chairman.

**CHAIR:** Does that bring you to the end of your line of questioning?

**Mr BLEIJIE:** It does, Mr Chairman, on the basis that the CMC chair is unable to answer the direct question in terms of why the contract was determined. I am seeking understanding as to why, and the only way that I believe the CMC chair can answer that question is by reviewing that contract and then me asking a further question later.

**CHAIR:** So that is the end of your line of questions?

**Mr BLEIJIE:** It is, Mr Chairman, if we can get some indication from the CMC chair about whether he is in a position to, if he is questioned later on this same issue, provide a more accurate picture as to why Mr Pearce's contract was determined.

**Mr LANGBROEK:** Or that it could be provided on notice I presume is the corollary of that, Mr Chair.

**CHAIR:** It cannot be provided on notice to this committee—

**Mr LANGBROEK:** No, through the Attorney-General.

**CHAIR:** It cannot be provided on notice by the Attorney-General. The Attorney-General does not have jurisdiction to require the answer to that question from the CMC. The CMC parliamentary committee has jurisdiction to require information of that kind. This committee cannot place that kind of question on notice.

**Mr LANGBROEK:** Thank you. Can I ask just one brief question on a different matter to the CMC chair before we go to government questions?

**CHAIR:** Yes, certainly, but has the member for Kawana finished his line of questions?



**Mr BLEIJIE:** I have. I do not think I have received the response that I require, Mr Chair, because I am not confident that this answer will be able to be given in this estimates—unless, Mr Chair, I can ask the CMC chair directly whether in fact he can look into that issue and, prior to the estimates finishing, I can ask a further question and he will be able to provide that answer. I am after an indication of whether the CMC chair would be in a position to do that.

**CHAIR:** That is a hypothetical question. ‘Would you if I asked you again later answer the question’ is a hypothetical question and you cannot ask—

**Mr BLEIJIE:** For the purpose of the CMC chair obtaining the information that he requires, because he clearly does not have the information that I am asking about at his fingertips.

**Mr Moynihan:** There is also, Mr Chairman, the issue that has been raised by the Attorney, and that is that the supervisory role of the parliamentary committee has to be considered in this context if we go down that path.

**CHAIR:** Yes, and indeed I said that a moment ago.

**Mr Moynihan:** Yes.

**CHAIR:** The CMC parliamentary committee can address issues that this estimates committee does not have jurisdiction to address. I call the member for Surfers Paradise.

**Mr LANGBROEK:** Thanks, Mr Chairman. Can I ask the chairman of the CMC on a completely different matter about the Police Service Administration Act. It is a requirement that after 31 December you receive a report from the Commissioner of Police and the minister about any recommendations that the minister may have made to the commissioner and any reports that the commissioner may have given to the minister about what may be happening within the portfolio. Have you had reports in your time as the chairman of the CMC and what was the content of those?

**Mr Moynihan:** I cannot answer you just at the moment.

**Mr LANGBROEK:** Okay.

**Mr Moynihan:** I do not recollect them coming across, but there are communications which may cover those issues. But I have not looked at them for a while.

**Mr LANGBROEK:** Okay; all right. That is fine, Mr Chairman, thank you.

**CHAIR:** I call the honourable member for Mount Isa.

**Mrs KIERNAN:** My question is to the Deputy Premier in respect of the Public Trustee. Earlier we spoke about the importance of people having a legal will, but I also ask the Deputy Premier about the unclaimed moneys fund. Could he give us an update on the administration of that fund?

**Mr LUCAS:** Yes, thank you. One of the roles of the Public Trustee is the administration of the unclaimed moneys fund. That money deposited in the fund comes from a number of various sources, including deceased estates where no beneficiaries can be found or dividends where shareholders cannot be found. When money is received, a number of those checks are made to ensure the Public Trustee is entitled to receive and hold the funds, and last year about 1,300 successful claims were processed against the fund.

Amendments to the Public Trustee Act, introduced into parliament on 1 September 2010, ensured that all unclaimed moneys held and received by the state are held by the Public Trustee. They are held by the Public Trustee for six years or more and they are then required to be paid into the Consolidated Fund. I might just ask the Public Trustee if he wants to add anything further to that.

**Mr Carne:** Thank you, Deputy Premier. Pursuant to those amendments a recent bill was put before the parliament on 16 June 2011—the Local Government Electoral Bill 2011—that provides for the operation of the online publication of information. We had historically put that information online but, due to the privacy laws, we were required to remove the online publication. Having it online gave access to Queenslanders to see whether there were funds held by the Public Trustee and then to make application for those funds and, upon them establishing their identity and the ownership of those funds or the right to those funds, we then released them to them. We had to remove the list. That caused a lot of inconvenience. As a result of the amendment that the Deputy Premier and Attorney-General has put before the parliament, we will now be able to make public the identity of the individuals for whom we held those funds. That is a significant aspect.

As well, with regard to the amendment brought through in 2010, the Public Trustee will not only have unclaimed moneys, which historically have been the proceeds of estates that we have administered where the beneficiaries could not be located—that tended to be the corpus or the balance of where those funds came from—now it will be required that government departments, after a period of two years where they have had funds where they cannot identify and distribute those funds, to pay them into now what is called the unclaimed moneys fund. As the Deputy Premier outlined, after a period of six years if those funds have not been claimed then they will be paid into consolidated revenue.

**Mrs KIERNAN:** I have another question in relation to the Sunshine Coast—the member for Kawana's area. Could the Deputy Premier outline a new office of the Public Trustee and the services that will be delivered to the people of the north coast?

**Mr LUCAS:** The Public Trustee has a range of offices throughout Queensland. It is really very important that they have offices in communities where people can get access to them easily. The Sunshine Coast has an ageing population. It is a wonderful place up there. Many people go up there for retirement. When you retire there are a number of things that you frequently might need to do that the Public Trustee can offer services in, whether that be wills or enduring powers of attorney or looking after your affairs or the affairs of loved ones. So the Public Trustee took the view that it would be appropriate to identify Birtinya to be an appropriate office for the Public Trustee and that was opened in September 2010. The office offers the Public Trustee a practical location, ensuring the community has access to good transport and satellite services to the local Magistrates Court. The offices in Nambour will remain open and visits to Caloundra, Maroochydore and Noosa will continue.

I might ask the Public Trustee to comment on this because I think it is really important in relation to the services the Public Trustee offers. Many of the services the Public Trustee provides are for people. It is not just a wills service. That actually costs it money. People may not know the Public Trustee cross-subsidises services. Sometimes you will have a constituent who will have a complaint about what a Public Trustee has charged them. In fact, on many occasions it will be significantly below the level of what would have been charged on a commercial basis. For many people with impecunious estates, but with some money in them, the Public Trustee does that at little or no cost. So if I ask the Public Trustee to perhaps comment on that, that might be of some interest to the committee.

**Mr Carne:** I thank the Deputy Premier for that because that is very important to the operation of the public trust office. I earlier indicated the role of the Public Trustee has a commercial operation having to generate income. First of all, we are a fee-for-service organisation and we are the only public and private trust office that charges a fee for service, just like a lawyer does. Our hourly charge rate is \$129 an hour. On average, lawyers would be about \$350 or plus per hour for their service. We were the only public and private trust office that had a fee for service until the Western Australian Public Trustee Office introduced the exact service. They copied us and took our fee-for-service regime and introduced that in July 2010, from memory, or about that time. All other trust offices—both public and private—you would be aware are commission driven, that is, they charge a percentage of the assets. On average, it is about five per cent or thereabouts. In 2001, the Queensland Public Trust Office looked at its fee regime and believed that that sort of process was not transparent, particularly because in that period onwards, as you would be aware, there has been a huge increase in the value of assets—household shares, money in bank accounts. To charge a commission was not transparent or a process that could be justified. So that is when we introduced a fee for service.

At the present time, we have about 7½ thousand clients approximately for whom we administer their financial affairs. Many of those clients are elderly people although, unfortunately, a large number now are young people with drug and alcohol issues where we are appointed by QCAT to collect their pension, pay for their accommodation, their food and their clothing. As you would appreciate, a lot of those clients cannot afford, as the Deputy Premier said, to meet the cost of the service that is provided for them. It is a very worthwhile service. If we were not paying for their accommodation and their food then they would be spending all of their money and, unfortunately, then turning to crime in order to feed their habit. So we perform that role to give them a roof over their head.

We have a charging regime whereby we have what is called a personal financial administration fee. This reflects the level of support and personal contact that is required from our trust offices in dealing with them. If you are an elderly person in a home or an institution then we do not have that much contact. We simply pay their fees, or their medical business et cetera. We also have an asset management fee. That fee applies when we are responsible for the administration of assets. That fee looks at the totality of assets. It does not include the principal place of residence. It does not include household effects, clothing—those sorts of things. Overall, we ensure that no client pays more than five per cent of their asset pool. It is interesting that of our clients—and we have about \$1.4 billion of clients' funds under management—in the order of 80 per cent of those clients have less than about \$50,000. A significant percentage of our clients have less than \$20,000. So our clients have very small amounts in assets. So those assets need to be funded to the extent that it needs to look after them for the whole of their life. So the challenge for the public trustee office is to ensure that those funds are not eroded by fees.

So as the Deputy Premier said, by having what we call a remit policy, which ensures that they do not pay any more than five per cent, we have an annual cost of about \$1,500 to handle their fees. Most of those fees are not actually paid by the client; they are remitted. The statistic is that our level of remission during the financial year 2010-11 was for 6,192 clients. This amount totalled approximately \$14.9 million. So what would ordinarily be \$14.9 million, which the Public Trustee would receive by way of fees, was remitted—that is, it is not sought from the client—and this number of clients represents 83.4 per cent of all the disability clients that we look after. So it is a very significant number of our

clients—in the order of 83.4 per cent—who pay no fees at all because of that limit that we put to ensure that their assets are not eroded by way of the administration fees that we charge to provide the services to them.

**Mrs KIERNAN:** Thank you very much for that.

**CHAIR:** Does anybody else have a question relating to the Public Trustee? In that case I call the honourable member for Mount Ommaney.

**Mrs ATTWOOD:** Deputy Premier, my next two questions are about the very significant community engagement programs that are coordinated by the department—one in Townsville and one in my electorate of Mount Ommaney. The first one is in relation to the coordinated court and guardianship services in the Townsville area and how they are helping homeless people and our vulnerable adults.

**Mr LUCAS:** I thank the honourable member for the question. The Adult Guardian's role is to protect the rights and interests of adults with impaired decision-making capacity. An individual's capacity to make important decisions about their financial and other personal affairs may be impaired as a result of a variety of reasons—ageing, accident, mental illness. The Adult Guardian can be appointed guardian to make decisions about that person's personal and health care.

Can I say as a former legal practitioner that it was sometimes very challenging. A family would call you into a situation and you would be asked to talk to someone about preparing a will or, indeed, about their financial affairs and that sort of stuff. The old law did not really adequately make provision for dealing with matters for people and particularly for people who might otherwise be able to live with people but who need someone looking over their shoulder, who need someone to take their best interests into account. A good friend of mine was in a situation where the Public Trustee was supervising his affairs—and very well—because if you asked him for money he would have given it to you because he thought that would be a nice thing to do. That would not be in his interests, obviously, to do that.

In Townsville, the Adult Guardian has been appointed as guardian for a diverse range of clients, including those who have high and complex needs. We have allocated as a government an additional \$20.3 million over four years for guardianship services in Queensland. So in the 2010-11 year, that allowed us to employ an additional 22 front-line staff and in 2011-12 another 15 front-line staff. That is a very significant increase. During the past year the Office of Adult Guardian has worked closely with the legal profession in Townsville to raise awareness of the Adult Guardian's role. The Adult Guardian also works very closely with the Queensland Police Service and the Department of Communities to provide a more coordinated service to guardianship clients, particularly those who are long-term homeless. It is a serious and complex issue. This is about supporting people in the community.

**Mrs ATTWOOD:** Thank you. Over the past few years in my electorate of Mount Ommaney there has been a very successful justice of the peace community program, particularly within the Mount Ommaney shopping centre. I want to ask the Deputy Premier about the contribution justices of the peace are making to the community and how the government is helping these very dedicated volunteers deliver free services for Queenslanders.

**Mr LUCAS:** I thank the honourable member for the question. There are about 89,000 justices of the peace and commissioners for declarations in the community. It is actually an old and ancient office, a justice of the peace. Enlisting the services of a JP is one of the most frequent ways many Queenslanders will have contact with the justice system. The duties of commissioners for declarations and justices of the peace involve witnessing a great variety of documents, including statutory declarations and affidavits. JPs may be required to exercise responsibilities such as the issuing of search warrants or witnessing enduring powers of attorney or even be called upon to conduct minor court duties. So it is important that we get out there and support them in the community.

The JPs in the Community program, established in 2003, is to provide the public with enhanced access to these services. It provides JP community signing sites at locations such as shopping centres, courthouses, libraries, hospitals, local councils and universities. In fact, this service is so valuable that many shopping centres really want to seek them out to have them there. Certainly, that is the case in my electorate. The program offers JPs and commissioners for declarations the opportunity to provide their services in safe and friendly environments. As at 30 June 2011 there were 2,600 volunteers who had contributed a total of 74,400 hours to the program. This exceeded the estimated volunteer participation by 14½ thousand hours. The number of signing sites as at 30 June was 151, including an additional 12 that became operational last year.

More than \$106,000 has been allocated in this year's budget for the program, which is really quite a modest amount of money bearing in mind what is secured out of it. Additionally, of course, we have our program of acknowledging JPs with certificates that acknowledge their long service. This is part of our Toward Q2 target of increasing by 50 per cent the proportion of Queenslanders involved in their communities as volunteers. So it is very gratifying to see. They do a great job, our justices of the peace. I am very keen in the future to look at how we might further enhance training and other opportunities for them, particularly via online training and the like.

**Mrs ATTWOOD:** Yes. They do a great job in my opportunity.

**CHAIR:** We all have particular interests in our own children so I will ask after one of mine. How is the Anti-Discrimination Commission going? In particular, how are they meeting their objectives?

**Mr LUCAS:** I thank the honourable member for the question. The Anti-Discrimination Commission is a pretty efficient and lean operation in Queensland. They have a \$4.9 million budget and, off the top of my head, I think 35 staff approximately at three different locations throughout Queensland and they have a number of different focuses.

In 2010-11 they provided training to almost 6,000 Queenslanders. They have a traditional role of investigating matters but, frankly, the ideal position is to actually have people trained out there in the community to understand what discrimination issues are. I think there is often a lack of understanding about indirect discrimination, for example. They also use videoconferencing to provide training to participants in regional areas, they do specific work with Indigenous communities, and free training sessions are offered to community and not-for-profit organisations. They actually charge the private sector for training if they require it. You can get it from a different trainer if you do not want it from the commission. But it is good income earner for them as well.

During 2011-12 they will invest \$100,000 to develop a new website and intranet. That is particularly important when you come to a body such as the Anti-Discrimination Commission, because its web design and accessible software are really important for people with various differing abilities. They may have reading, sight or other issues. It is critical that that deliver on the job.

This year they had the fourth Mabo Oration. That was by intellectual property and business lawyer Terri Janke. We have had a number of very distinguished orators, Noel Pearson and the like, in the past on those issues. It is important to use this milestone to signify a renewed focus on promoting human rights and building a diverse and inclusive community. Two of the more important human rights decisions in Australia were originally Queensland decisions: Koowarta and Mabo. I think, in fact, Mr Moynihan was remitted by the High Court—or was it the Federal Court?—to establish the facts in the Mabo case; is that right?

**Mr Moynihan:** Yes.

**Mr LUCAS:** I remember that because the law firm in which I worked was involved in doing some of the work on that. There are all sorts of connections.

**CHAIR:** An awful lot of people in this room had to read the case.

**Mr LUCAS:** It is very critical in terms of the outreach function of the commission, coming into the 20th anniversary this year of the Anti-Discrimination Act 1991.

**CHAIR:** What is the process like these days? You said that it is very lean. How does the actual execution of a discrimination complaint go these days?

**Mr LUCAS:** First of all, if you believe that you have been treated unfavourably at work or in other areas you have the right to make a complaint to the commission. The first thing the commission tries to do is resolve the complaint between the complainant and the respondent directly. So, it seeks to try to sort the matter out first. It also plays an important educational role. I do want to emphasise that the commission can only look into matters on grounds of unlawful discrimination. Race, gender, breastfeeding, lawful sexual activity, trade union activity, disability and the like are all grounds on which it is unlawful to discriminate. For example, it is not unlawful to discriminate against someone because you do not like their taste in music or something like that. It has to be a ground that falls within the provisions of the Anti-Discrimination Act.

In terms of that educative role, there is an information kit that is available, either printed or from electronic sources, to employers and respondents to complaints to understand their rights and obligations. That can help them address discrimination issues proactively but also helps resolve issues. If, of course, the matter is not able to be resolved appropriately then ultimately QCAT is the body in which the matter is adjudicated on. The establishment of QCAT has brought together, I think off the top of my head, some 23 different tribunals. That is a significant efficiency to the benefit of the people of Queensland.

**Mrs ATTWOOD:** During the flooding crisis at the beginning of the year, the Registry of Births, Deaths and Marriages took a significant part in replacing lost and damaged documents for people, particularly those living in my electorate. I would like the Deputy Premier to please advise how the Registry of Births, Deaths and Marriages is taking steps to improve its service delivery for people in Queensland.

**Mr LUCAS:** I thank the honourable member for that question. First of all, I would like to thank the registry. It provided free replacement of documents to members of the community who had them lost or damaged in the flood event. It is a very important thing to people because you do increasingly need to establish your identity for those sorts of issues.

The Registry of Births, Deaths and Marriages records, preserves and protects life-event records for all Queenslanders. It is part of the justice system that most people will have contact with in their lifetime. In fact, it is a bit difficult to think that you will not have contact with it in your lifetime. You are born, you are registered; you get married, you are registered; and certainly when you die you are registered. So one way or the other, they write you down and put you in the book.

In addition, though, to the work made possible by the state government's \$20.8 million investment into the digitisation of life-event records, the registry is focused on the use of technology to achieve greater efficiencies. In the past, when you ordered a death certificate or a birth certificate from the registry it had to go and be manually copied and then filled out and the like, and that took lengthy periods of time. What we have been doing for a significant period of time now is capturing the new records electronically. Say you ordered your birth certificate, or I mine, it would not be digitally captured originally, but once they actually do an order then they digitally capture it at that point in time.

We have allocated \$20.8 million to going back and digitising for a lengthy period of time our records. We have had four million birth registrations since 1980, 1.5 million death registrations since 1980 and 1.5 million marriage registrations since 2006. So there are seven million life registrations that we hold, but four million of them are not fully captured. So we have allocated \$20.8 million over five years to digitise those records. Most of them are ordered with a particular rapidity. You generally find, for example, that a record, say, from 1910 is rarely ordered but that records, say, from 1960 are frequently ordered. We increasingly digitise these certificates, particularly the ones that are more regularly ordered. Then we can provide them quicker.

Last year 430 birth certificates were produced from the period 1910 to 1915, whereas 984 were produced from the period 1930 to 1935. We have a policy on access to information. The Information Commissioner would obviously understand this point. I should not be able to go down the road tomorrow and get the death certificate of someone with whom I have no relationship. But for deaths that occurred more than 30 years ago, marriages that occurred more than 75 years ago or births that occurred more than 100 years ago, there is public access. That is available for anyone at that time. Genealogists obviously like to secure that.

The 2010-11 performance is based upon average time frames: 119,000 life events were registered last financial year; 85 per cent of life-event registrations were processed in seven working days. In 2008-09 this took an average of four to five weeks. So in a short period of time, this is what technology can get for you. Eighty-five per cent of certificate applications were issued within 10 working days. In 2008-09 this took an average of five to six weeks. The goal is to increase this to 90 per cent in 2012. More and more we are encouraging online ordering through our courts and the like in regional centres, QCAT offices and the like, so that that can then be provided to people—unlike the old days, when you used to have to post it down to the office in Brisbane. This is somewhere that technology can have some significant benefits for everybody generally and also, in the course of time, genealogists and the like.

In the floods we facilitated the delivery of 4,494 certificates; 3,732 Queensland certificates—\$130,000 in forgone revenue—and 762 interstate certificates also issued to Queenslanders.

**Mrs ATTWOOD:** That is fantastic work by the Registry of Births, Deaths and Marriages. I would like to now ask about the State Reporting Bureau, which provides vital support services to our court system. Could the Deputy Premier please update the committee on the State Reporting Bureau's performance?

**Mr LUCAS:** I thank the honourable member for the question. Of course, it is always good to acknowledge the State Reporting Bureau and their close relatives down here, the Hansard service. We will not get into any competitiveness between them. I am sure they get on very well on a collegiate basis. I always say to the judges, though, that they do not have to transcribe people yelling and screaming at you in court, whereas it happens down here in parliament, so that sometimes makes it a little bit more challenging.

In any event, the State Reporting Bureau has been serving Queenslanders for 85 years doing a wonderful job for our courts, tribunals and 35 regional and circuit centres throughout the state. This is another area where the world has changed very significantly. In the old days you would see them there in court doing Pitman shorthand with a pencil and a pad and then they would take it and type away. Then, of course, there was the—I forget what the little thing over there is called, but the one before it was not electronic and now there is an electronic one. Now they actually record things using voice technology. I remember when we had a telex machine in the place I worked when I was an articulated clerk, and the day that it was obsolete it all went away.

We have very many different technologies we use in our courts. They are largely dictated by the urgency of the matter. You can understand that in criminal matters the need for courts and parties to have access to transcripts urgently is very significant to them. In 2010-11 the bureau recorded approximately 16,300 hours. That is equivalent to about 2,200 days of proceedings in the Supreme and District courts. Productivity has increased during the past five years by 43.5 per cent in the number of transcript pages. The use of voice recognition software since August 2010 has produced 8,300 pages of

transcript at an average of 4.08 pages per hour. We have installed cameras in courtrooms and digital recording systems to allow staff to monitor and record proceedings across the state from any of the 10 bureau offices. Other improvements, such as transcript standardisation and projects, have resulted in increased productivity, higher quality recordings and faster delivery of transcripts to clients.

The State Reporting Bureau has been able to significantly increase the amount of transcript produced without having to pass on increased costs. The current cost per page is \$5.80. This is less than the \$6.50 per page the former coalition government tried to introduce in 1997 in the Justice Legislation (Variation of Fees and Costs) Regulation. How is that? It is a bit like photocopying: when I became a member of parliament in 1996 the photocopying charge was \$1.55 a page—as lawyers used to call it, the silent partner. What a wonderful job the court reporting bureau have been able to do in terms of keeping these fees low. That is an important part of access to justice for the community.

**CHAIR:** No further questions in that line?

**Mrs ATTWOOD:** Not at the moment.

**CHAIR:** I call the honourable member for Kawana.

**Mr BLEIJIE:** Thank you, Mr Chairman. Director-General, at present Lindsay Irons is the Acting Adult Guardian. Why did the Adult Guardian not fulfil her contract, what was the early termination cost to the taxpayer and has a permanent replacement been found?

**Mr Reed:** The previous Adult Guardian resigned effective from 13 May and was paid out her entitlements. We have advertised the job. The job closed. We are going through an interview process in coming weeks. We have an Acting Adult Guardian because, as the legislation states, you have to have an adult guardian.

**Mr BLEIJIE:** Can you indicate what the current term for the former Adult Guardian was? Was it halfway through the term that the Adult Guardian left?

**Mr Reed:** From memory—and this is only memory—it was a five-year term and I think it was three and a half or four years into that term.

**Mr BLEIJIE:** In terms of the appropriation and in terms of payouts, et cetera, was it the Adult Guardian who resigned from that position?

**Mr Reed:** Yes, the Adult Guardian resigned from the position.

**Mr BLEIJIE:** Thank you, Director-General. I understand that some positions of the senior guardian have been kept vacant for the past few months and that regional managers will be working to fill those positions on a temporary basis from this month. For your information, I table an email from the Acting Adult Guardian, Lindsay Irons, where he says that, in addition to the above, there are other senior guardian positions that have been kept vacant for the past few months. He goes on to say, 'I am conscious of the fact this recruitment comes after a lean period in which steps were taken to reduce the overspend.' I table a copy of that email. Director-General, why have positions been kept vacant for so long and what is the overspend?

**Mr Reed:** Within the financial year, for all offices, not just within the department but also those where the finances flowed through the department, we monitored their expenditure, as you would as the accountable officer, to try to ensure that people lived within their budgets. At one point earlier this calendar year, the Adult Guardian's office was, against the expenditure that was expected at any particular point in the year, about \$300,000 above budget. The Adult Guardian's office was asked to remain within budget within the financial year, as I would expect the whole department to remain in budget. As a result of that, they took some steps to ensure that positions that they may have advertised at the time, because they had increased funding in the last financial year that flows through into this and the next, were staged rather than recruited at this point in time. There was nothing untoward about it. It was trying to ensure that they lived within their budget.

**Mr BLEIJIE:** Thank you, Director-General. With respect to the overspend, does it impact on any other services offered by the Adult Guardian, that is, not just staff?

**Mr Reed:** Not that I am aware of.

**Mr BLEIJIE:** Not any operational expenses?

**Mr Reed:** Not that I am aware of.

**Mr BLEIJIE:** I understand that understaffing of the central positions in the Office of the Adult Guardian through vacant and temporary positions have presented challenges, in terms of how essential services are delivered by the Adult Guardian. Would you please advise what action is being undertaken to ensure that the Office of the Adult Guardian is adequately staffed with appropriately qualified staff? I get to the point that if we have vacancies for some months, obviously there is an impact on the people who rely on the services of the Adult Guardian.

**Mr Reed:** The positions were advertised; these are the two senior positions. At this point, they have not been permanently filled. There are people acting in those roles and the Acting Adult Guardian has advised me that, at this point in time, the office is operating effectively and efficiently.

**Mr BLEIJIE:** Thank you, Director-General. I want to turn back to the CMC and Mr Moynihan. We discussed earlier the changes in relation to the former director of misconduct investigations being responsible for the oversight of the CMC investigations of political misconduct and that now being performed by a police officer. We talked about running contrary to the theory where you had a criminal lawyer doing that before and now a police officer. Is it true that the changes implemented since Mr Pearce's departure mean that every investigative team within misconduct is now headed by a police officer instead of a lawyer?

**Mr Moynihan:** I will have to ask the misconduct commissioner.

**Mr Strange:** I am the Assistant Commissioner for Misconduct at the CMC and thus am responsible for our misconduct functions. Under the restructure of misconduct, Mr Pearce's old position of director of misconduct investigations has not been replaced by a police officer. What the restructure does is to give a more prominent role to our most senior police officer, who is a detective superintendent of police in misconduct. That is designed to ensure that our investigations proceed in a more timely and more effective way. Timeliness has been an issue for us at times. That position in respect of police matters must report to a new role, which is the director of the office of the assistant commissioner. We are recruiting for that at the moment, but currently a senior lawyer is acting in that position. It will be a senior civilian lawyer position. Ultimately, I am still responsible for all misconduct matters, including ultimately all police investigations. My position must be a senior lawyer position under the statute.

**Mr BLEIJIE:** Through you, Mr Chairman, to the Chairman of the CMC: the changes as described had the effect of sidelining Ms Sharon Loder, the assistant director of misconduct investigations and a lawyer who, under Mr Pearce, successfully conducted Operation Capri and Operation Tesco. As I understand it, Ms Loder was forced to hand over her role to a police inspector. Is it true that Ms Loder resigned from the CMC in June and is now employed as the executive director of operations with ICAC in New South Wales?

**Mr Moynihan:** I believe she holds that position.

**Mr BLEIJIE:** Mr Chairman, with respect to the line of questioning prior to referring to other matters, we talked about Mr Russell Pearce, the director of misconduct investigations. I have concerns that, when we are looking at the appropriation here, there are many senior executives in the CMC—Mr Peter Scanlan, executive director, terminated and escorted from the premises; Mr Greg Rigby took early retirement and I understand that; Russell Pearce had his contract paid out; Helen Couper was refused an extension of her contract; Margot Legosz, as director of research, remains suspended on full pay since February; and as I have just indicated, Ms Loder resigned in June from the CMC and is now employed in ICAC. Is there a systematic problem in the CMC when you have what appears on the surface to be a major problem where you have executive director, director, director, director resigning or being forced out of their positions?

**Mr Moynihan:** I do not believe so.

**Mr BLEIJIE:** I will not ask for clarification on that. I would have thought that when you have so many directors being pushed out or resigning from the commission that would, to the reasonable person, suggest that there may be a problem.

**Mr Moynihan:** It may, but from my perspective there is not a problem.

**Mr BLEIJIE:** Mr Chairman, the CMC recently undertook a staff climate survey, which was due to be conducted last year. As has been the case when the survey was conducted on past occasions, did this year's survey measure staff confidence in the integrity of senior management? When will the results of the survey be publicly available?

**Mr Moynihan:** I cannot, at the moment, tell you when it will be publicly available, but it is being progressed.

**Mr BLEIJIE:** Has the survey taken place?

**Mr Moynihan:** I believe the survey has taken place, but the processing of the outcomes is progressing.

**Mr BLEIJIE:** How was the survey conducted?

**Mr Moynihan:** It was conducted by a professional survey firm.

**Mr BLEIJIE:** In terms of the restructure, we have discussed the six key positions that are not there but you have indicated that they will all be replaced. How long does this date back? How long ago did these people leave? What is the longest period since Scanlan, Rigby, Pearce, Couper, Legosz or Loder left the CMC?

**Mr Moynihan:** The longest time?

**Mr BLEIJIE:** The longest period since one of them resigned or left?

**Mr Moynihan:** Loder is quite recent. I am not sure that I can accurately give you those dates out of my memory.

**Mr BLEIJIE:** Less than a year for all of them; over a year?

**Mr Moynihan:** Some would be over a year, I think.

**Mr BLEIJIE:** How does one conclude that you will replace those people in those same positions with different people when they have been vacant for, as you have just indicated, over a year?

**Mr Moynihan:** Some of the them have been filled temporarily by people who are quite competent and are carrying out the work. There is some short listing going on for some positions. Some have been advertised. It is progressing.

**Mr BLEIJIE:** If they are well qualified for the position and they are filling it temporarily, why wouldn't you appoint those people permanently?

**Mr Moynihan:** One thing is that it might be useful to advertise and see what the market brings you.

**Mr BLEIJIE:** Have you advertised for those positions?

**Mr Moynihan:** Again, I do not have the details.

**Mr BLEIJIE:** Mr Chairman, if I can move onto the Attorney-General. Attorney, I note that the government initially rejected a crime squad. I note the government rejected the GPS tracking of sex offenders. I note that the government then set up the Sentencing Advisory Council to report, initially by July this year in its terms of reference but now it has been extended to September, on the minimum mandatory non-parole periods. The government is now considering setting up another review panel to look into workplace bullying laws. Most recently, the Attorney-General referred child sex offender laws to the Sentencing Advisory Council. My question is this: how is it that the Labor Party can be in government for nearly an uninterrupted 20-year period and have to outsource so much decision making? Is it that the government or its ministers do not have the competence or is it that the Labor Party has not been listening to the community for the past 20 years, meaning that you have to outsource all of these important decision-making processes?

**Mr LUCAS:** What was the body you mentioned before the Sentencing Advisory Council?

**Mr BLEIJIE:** I mentioned various, in terms of the review of bullying practices, the Sentencing Advisory Council. I have made the point and you can provide the answer.

**Mr LUCAS:** I have to respond to those which are in my portfolio. In relation to major crime, you would be fully aware—and no doubt your colleague the Deputy Chair will be able to ask the Police Minister tonight—that these are unlike the good old days of the National Party when Russ Hinze used to say to police sergeants he was upset with, 'Son, what station do you want to go?' and then would send them out to Charleville. Sir Terence Lewis would be busily talking to Joh, who interestingly was acquitted 11-1 with Luke Shaw, a National Party member, on the rorted jury. Now he would have been convicted. Indeed, he would have been convicted in Tasmania on a 11-1 majority verdict, where Shaw subsequently sought refuge. Or to somewhere like Mundingburra, where he had an MOU where they agreed to get stuck in and get rid of the CMC. We then saw the Connolly Ryan inquiry, where it was struck down by bias by Justice Jim Thomas when Peter Connolly said, 'Now that our side is back in power, we'll see how their little experiment of the Fitzgerald inquiry goes.' Or where, indeed, you decide that you can actually apportion police at a political whim, rather than relying on the independent Police Commission. That is fine if that is the way that you want to go, but that is not what we see. You would forget the 18-month debacle that was the Borbidge National Party government. In that period, as I said before, you managed to get an inquiry to get stuck into the CMC and shut it down, and that was shut down for bias by Jim Thomas. He is hardly a great Labor figure, I would have thought. Jim Thomas is a very honest and straight judge.

The Sentencing Advisory Council was set up for the purpose of making sure that decisions about sentencing are taken not just in a political arena but also in the context of people who have a view having a say, that is, victims of crime groups, police, researchers, Protect All Children Today. All of those sorts of bodies have a legitimate say in review. That is why the Sentencing Advisory Council is looking at that. The High Court looks at laws like the dangerous sex offenders legislation and assesses whether our laws are there to actually do a double punishment on people or protect people. All of those things ultimately are relevant to that.

This is a serious business. It is not something where, in a Saturday afternoon debating club, you decide what might be interesting. It affects whether or not you get people convicted. In New South Wales, they got the Kable case wrong and they got knocked off, and that meant that sex offenders went free.

**Mr BLEIJIE:** Mr Chairman, I ask for a five-minute adjournment of the committee, please.



**CHAIR:** The member for Kawana has asked for an adjournment. The purpose is to put something before the committee; is that right?

**Mr BLEIJIE:** Correct.

**CHAIR:** The member for Kawana has asked for an adjournment to put a procedural matter before the committee. The committee will, therefore, adjourn for a short break. The time for this proceeding has expired. Do you wish all of the representatives of the executive to remain here or only some of them?

**Mr BLEIJIE:** I am happy for the executive to remain, yes.

**CHAIR:** Ladies and gentlemen, would you excuse the committee for a short break.

**Mr LUCAS:** Mr Chairman, I have to catch a plane at 4.45.

**CHAIR:** We will try to make it less than 10 minutes.

**Proceedings suspended from 3.45 pm to 3.52 pm**

**CHAIR:** Mr Attorney, that concludes the estimates for the portfolio of the Attorney-General. May I thank you and your officers for their attendance. May I thank the parliamentary staff and all who have been involved in the preparation and the execution of this event. We need to have the questions on notice in by Friday, 22 July at 10 am. Thank you, one and all. Mr Attorney, is there something you would like to say before you go?

**Mr LUCAS:** Yes. Mr Chairman, I thank you, the deputy chairman and your fellow committee members. I thank your research staff. I thank Hansard and the parliamentary attendants. I also thank the staff of my department and the statutory authorities that are accountable to this committee through my department and also, of course, my ministerial staff. Thank you for this first time under the new and different parliamentary committee system.

**CHAIR:** We will break now for afternoon tea. The committee will meet with the next minister at four o'clock.

**Proceedings suspended from 3.54 pm to 4.04 pm**

**ESTIMATES—LEGAL AFFAIRS, POLICE, CORRECTIVE SERVICES AND  
EMERGENCY SERVICES COMMITTEE—POLICE, CORRECTIVE SERVICES AND  
EMERGENCY SERVICES**

**In Attendance**

Hon. NS Roberts, Minister for Police, Corrective Services and Emergency Services

**Queensland Police Service**

Mr B Atkinson, Commissioner of Police

Mr I Stewart, Deputy Commissioner, Regional Operations

Mr R Barnett, Deputy Commissioner, Specialist Operations

Mr P Brown, Deputy Chief Executive, Resource Management

Mr A MacCracken, Manager, Corporate Reporting Unit, Office of the Commissioner

**Prostitution Licensing Authority**

Judge M Boyce QC, Chair

**Department of Community Safety**


Mr J McGowan, Director-General

Mr K Anderson, Commissioner, Queensland Corrective Services

Mr R Bowles, Commissioner, Queensland Ambulance Service

Mr L Johnson, Commissioner, Queensland Fire and Rescue Service

Mr B Grady, Assistant Director-General, Emergency Management Queensland

 **CHAIR:** Ladies and gentlemen, we will commence the hearing. I am supposed to say that the hearing is now resumed because we have been sitting all morning, but for you, it is the commencement. I am Dean Wells, member for Murrumba. For my sins, though not for any misdemeanours, I am chair of this committee. Barbara Stone, who is the legitimate chair, is representing this parliament at a conference of the Commonwealth of nations and, consequently, for this temporary purpose I will chair this meeting.

May I welcome the Minister for Police, Corrective Services and Emergency Services, departmental officers and members of the public to the gallery. To all members of the executive arm of government present, I say welcome to the Parliament of Queensland. The other members of the committee are the member for Mount Ommaney, Julie Attwood; the member for Surfers Paradise, John-Paul Langbroek; the member for Kawana, Jarrod Bleijie; and with us now is the member for Maryborough, Chris Foley.

The committee will now consider the proposed expenditure of the relevant organisational units within the police portfolio. I remind all participating in the hearing today that these proceedings are similar to parliament to the extent that the public is not allowed to participate. In that regard, I remind members of the public that under the standing orders the public may be admitted to or excluded from any hearing of the committee. The committee has resolved that the proceedings of the committee be broadcast and that photography be allowed during the chair's opening statements and the introductory statement of each minister as well as during a short period during any changeover of organisational units. I ask that mobile phones and pagers be either switched off or switched to silent mode.

I remind all honourable members that recent changes to the standing orders now provide that directors-general and those chief executive officers set out in schedule 7 of the standing orders may be questioned by the public. The committee has also resolved to allow alternative members to take part in the discussions. However, there are none who have indicated their wish to do so.

For the benefit of Hansard, I would ask departmental officers and sworn officers if they would identify themselves before answering a question. It is quite likely that Hansard will know you anyway but, as you know better than any other department, it is not what you know; it is what you can prove that counts. They will need to establish for the record who it is that is speaking.

I now declare the proposed expenditure for the relevant organisational units within the police portfolio for the Minister for Police, Corrective Services and Emergency Services open for examination. The committee has determined that the minister be invited, should he wish, to make a short opening statement. The question is—

That the proposed expenditure be agreed to.

I call the honourable the minister.

**Mr ROBERTS:** From the outset today I would like to pay tribute to the more than 15,000 men and women who make up the Queensland Police Service. This group of sworn officers and civilian staff have contributed to a significant reduction in crime in Queensland during the 10-year period from 2000-01 to 2009-10. The rate of offences against the person has decreased by 20 per cent since 2000-01, while the rate of property offences has decreased by 48 per cent. The hard work, dedication and professionalism of our police and civilian staff are key contributors to these reductions.

I also take the opportunity to recognise and pay tribute to the contribution that the Queensland Police Service made to the management of the recent floods and cyclones in Queensland. Police assumed a more active operational role in disaster management following recent amendments to the Disaster Management Act. Deputy Police Commissioner Ian Stewart was appointed as the first State Disaster Coordinator, a role he performed admirably during that period.

However, as we know, policing is a dangerous profession. Police officers put their lives on the line every day in the pursuit of community safety. Tragically, in June we saw just how dangerous a profession policing can be with the death of Detective Senior Constable Damian Leeding following an incident at Pacific Pines on the Gold Coast. I again take the opportunity to offer my sincere condolences on behalf of the people of Queensland and, indeed, the entire Police Service to Damian's family and friends and, indeed, his colleagues within the Queensland Police Service. Damian became a police officer so that he could help protect the community. One way to honour his sacrifice is to continue working towards the shared goal of community safety and protection.

In this year's budget the government will provide funding for the Police Service in 2011-12 of around \$2.1 billion. That figure comprises an operating budget of \$1.889 billion as well as more than \$227 million in capital expenditure. The budget provides for funding for an additional 150 police officers and represents a final instalment in the government's election commitment to increase the number of police officers by up to 600 officers during this term of government to bring the total number of police officers in Queensland to more than 10,600 by March 2012. It also includes \$43.8 million to fund new, refurbished and upgraded police facilities across the state, \$54.9 million for the ongoing development of the new state-of-the-art Police Academy at Wacol, \$51.1 million for a range of information and communication technology initiatives and \$12.7 million for three new Water Police catamarans. The budget also contains an additional \$25.7 million for the continued deployment of fixed and mobile speed cameras across the state in an effort to keep our roads safe and reduce the tragic number of deaths on our roads.

Thank you for the opportunity of making an opening statement. I look forward to answering and addressing the committee's questions.

**Mr LANGBROEK:** I welcome you, Minister, and also the Commissioner of Police and departmental officers to this estimates committee hearing. My first question to the minister is about question on notice No. 12. The district budgets were provided for 2010-11 but it says that district budgets are fluid, that they are not centrally managed and that it is not possible to provide budget figures for the next year. I ask: how can the minister ask this committee to sign off when he is unable to provide these district budget figures or at least some sort of global figure? Would it be possible for him to provide us with the regional figures for the eight regions if he cannot provide the district budget figures?

**Mr ROBERTS:** I might defer to the Police Commissioner to answer that question. As the member would be aware, the actual allocation of funding amounts within the Queensland Police Service is a matter for the Queensland Police Commissioner and his senior executive. The role of government is to resource the Police Service, and I and, indeed, the government can be held accountable for the amount of resources that we provide the Police Service. The way in which that budget allocation is divided up between regions, districts, specialist operations and the particular projects is a matter, ultimately, for the Queensland Police Commissioner.

Of course, during election campaigns in particular and, indeed, during budget periods, governments will provide particular allocations and announcements for the Police Service. Ultimately, the way in which the operating budget is divided amongst the regions and the districts is a matter for the Police Commissioner. I might ask the Police Commissioner to provide some additional response to that question.

**Commissioner Atkinson:** I will probably have to take this question on notice. In answering it, I might defer to the executive director of Corporate Services. Of course, we have allocated our budget for the 2011-12 financial year. I can give you the regional breakdowns, but that is not the totality of the budget. Besides the eight regions we have other commands—State Crime Operations Command with

our detective grouping here in Brisbane, Operations Support Command that provides all the support services, our new Education and Training Command, our Ethical Standards Command—and then we have a suite of areas, as most departments do, that look after our human resource management, finance, administration and information technology. I can give you the regional breakdown now for the eight regions in terms of their allocations or, if you wish, we could take the question on notice and get back to you with as much detail as we can.

**Mr LANGBROEK:** Thank you, Commissioner. If the minister is happy to take that on notice, then I am happy to have it provided in that format.

**CHAIR:** Can I just draw the attention of people to the presence now of the member for Mount Isa, Betty Kiernan. This gives me the opportunity to make the point that even those of us at this table who are using corrected vision cannot read the black on blue of the nameplates. So it might possibly be a good idea, Minister, if you were to introduce your party so that members of the committee could address them directly if they chose to.

**Commissioner Atkinson:** I am Bob Atkinson, the Commissioner of the Queensland Police Service. To my immediate right is Deputy Commissioner Ian Stewart, who is responsible for the eight regions throughout Queensland. To his right is Deputy Commissioner Ross Barnett, who is responsible for the specialist support areas in the Queensland Police Service, primarily Operations Support Command and State Crime Operations Command. To the minister's left is Angus MacCracken, who is in the office of the commissioner and has provided the secretariat role in preparing the documentation today. To Angus's left is our third and other deputy who is the executive director of our corporate services area, Mr Paul Brown.

**CHAIR:** Thank you very much. I call the member for Surfers Paradise.

**Mr LANGBROEK:** Thank you, Chair. My second question is to the commissioner. I do want to come back to the minister's statement which he has made on a number of occasions—that is, that he understands his role to be one of procurement, not necessarily operational matters. I will come back to that in a moment. Further to that answer to question on notice No. 12, I was very concerned when I looked at the allocation for the south-east region. In the 2010-11 answer to question on notice No. 12, the allocation for the south-east region totals about \$109 million. The south-east region of course incorporates the Gold Coast district, the Logan district and the Coomera district. I presume you can see those figures?

**Mr ROBERTS:** Are you looking at question on notice No. 12.

**Mr LANGBROEK:** Yes, the answer to question on notice No. 12. It has the total actual spend by police district for 2010-11—unaudited actual. It has as the sixth region the south-east region and it has the totals for the Gold Coast district, the Logan district and the Coomera district. That totals \$109 million. When I went back to the same question that we asked two years ago, Commissioner, the actual spend in each police district for 2008-09 for the south-eastern region—and I table a copy of this answer to the same question two years ago—was \$120 million for the south-east region. That included the Gold Coast district, the Logan district and the Coomera district, which at that stage had a zero dollar provision, but the total amount was \$120 million. I am very, very concerned that there is a 10 per cent drop in the provision for the south-east region in those two years. I table a copy for the commissioner's benefit and the minister's benefit.

**Commissioner Atkinson:** I would be very grateful if I could see that. There might be a ready explanation for that, but I do not have it at the moment. So if I could see the document that would be helpful. Sorry, Sir, but I may well have to take the question on notice. There is a regional allocation that is factored in here of \$31 million as well. The precise nature of that I cannot tell you regrettably at this time. So I am sorry. Generally speaking, all of the regions increase each year in terms of funding unless there was some particular activity that was a one-off special case. But certainly this year the south-eastern region has increased in its regional budgetary allocation. One of the reasons that happens, generally speaking, is that there are additional personnel and of course the standard enterprise bargaining pay increases. It would be highly unusual for a region to go backwards. I am sorry that I cannot give more detail at the moment, but I do not want to answer your question in terms of any guess. I would rather be absolutely certain of the facts, so if I could take that notice and come back to you—

**Mr LANGBROEK:** I am happy for that to be provided and I am happy to have the minister expand if he would like to.

**CHAIR:** Just for the record, the minister can take the question on notice. We cannot ask any other officer to take a question on notice. So if the minister wishes to embrace the undertaking of the commissioner and take the question on notice—

**Mr ROBERTS:** I am happy to come back and we will clarify that for you. Having had a quick look, I think this maybe—and I qualify that this maybe—the answer. In your question you actually asked for the spending for each district, which is what has been provided. The three districts obviously make up the whole of the region. As the commissioner has indicated, we understand that there is also an additional allocation for the entire region which may account for the figure you are talking about. So we will get back to you and clarify that precisely before the end of the hearing.

**Commissioner Atkinson:** With a region such as the south-east region, it is more practical to have some of the functions regionalised. Say, for example, the scenes of crime personnel may be regionalised and they would come out of a regional budget, not out of any of the district budgets. So that could well be part of the explanation.

**Mr LANGBROEK:** I understand that. Of course it is really the global figure that is covered by that \$120 million from 2008-09, as contrasted with \$109 million now. It really is quite glaring that of all the regions this could be the case. Of course, if this is the case, it is a significant issue on the Gold Coast and in a region where there should be this crime epidemic that we are experiencing and in an area where it has been put to me—and I am going to ask some questions subsequently about this—that resourcing, especially in the Coomera district, has been adequate. But I am certainly happy to have the minister take that on notice.

**Mr ROBERTS:** Again, just to pick up the point you have raised, subject to getting it finally clarified, it is not valid on the information I have at this point to simply add up the three district budgets and then make a determination that that is less than the previous year, because on the information I have seen—and we will get that absolutely clarified—there is an additional regional allocation over and above the specific districts budgets which would actually contradict the claim that the member is making. But we will clarify that in the very near future.

**Mr LANGBROEK:** Thank you. Minister, can I then ask you about this description that I have mentioned before and that you actually mentioned in answer to my first question—which was about your role in procurement, not operational matters. Under the Police Service Administration Act subsequent to the Fitzgerald inquiry, in section 4.6, which is headed ‘Communications between Minister and commissioner’, it mentions that the commissioner can furnish reports and recommendations to you and that you also may, having considered those recommendations, then make recommendations or give advice with regard to policy and priorities. Now that is something that you have not indicated that you necessarily feel is your role at the moment. You normally say that it is about getting money and the commissioner will apportion that money as he sees fit. So, under the Police Service Administration Act, have there been recommendations from the commissioner or advice from you to the commissioner that you have provided in accordance with that act?

**Mr ROBERTS:** I will need to look at the actual provisions of the act, but there are two issues here. Firstly, in terms of recommendations that the commissioner makes to me as minister, as a matter of course I am receiving briefs on a regular basis—weekly, even daily in some instances—where the Police Service will be making recommendations to me to approve a whole range of matters. That is the very nature of being a minister: you are briefed and required to make a response or a decision. And I do that pretty well on a daily basis. So that I think answers that part of the question.

As to the other part of the question, my understanding—I am assuming, because I listened to your question to the chair of the CMC towards the end of the last hearing—is that the issue you are referring to is whether I give directions to the commissioner about particular matters. As you would be aware and are correctly pointing out, since the Fitzgerald inquiry there is a requirement that, should I determine to give a direction to the Police Commissioner about a matter, that needs to be recorded and ultimately tabled in the parliament.

In answer to your question—and you may well ask a more specific question—I have given no directions of that nature to the commissioner since I have been minister. Indeed, I would say that it would be an extraordinary event for me to do that. There is certainly the power for me to direct but, in accordance with the accountability framework, which is well-established following Fitzgerald, I would be required to ultimately table that direction in the parliament, and obviously the CMC would be advised of that as well. I am assuming that they are the two issues you are talking about.

**Mr LANGBROEK:** That is fine.

**Mr ROBERTS:** You were alluding to the fact that I sit back and do nothing in terms of the Police Service. I can assure you that, as I have indicated earlier, I receive a significant number of briefs requiring me to make decisions as minister regarding the police portfolio or simply to note the advice that has been given to me, and that happens on a regular basis.

**Mr LANGBROEK:** Thank you. My question is to the commissioner. It also says at section 4.7 of the Police Service Administration Act that the commissioner will keep a register which he then passes on to the chairperson of the CMC which is also subsequently tabled. Following 31 December last year, was such a report provided to the CMC chair, because the CMC chair could not remember when I asked him that question an hour or so ago?

**Commissioner Atkinson:** Yes, Sir, it is. It is provided annually at the end of each calendar year. I think it has to be provided within a month but I am not sure of that. But generally we provide that report to the CMC in January of each year and it was so provided this year.

**Mr LANGBROEK:** So in that case, given, Minister, that you have already said that you do not make directions or have not made directions of a formal nature—

**Mr ROBERTS:** That is correct. I have given no directions in accordance with that provision which would require me to table it in parliament.

**Mr LANGBROEK:** Can you confirm then for the committee that you gave no direction about the establishment of Taskforce Resolve on the Gold Coast?

**Mr ROBERTS:** Absolutely, and I can give you an assurance that I have not given a direction in the form that you are talking about to the commissioner at any time. The commissioner and I talk every day—every single day—and sometimes on more than one occasion. We of course talk about the range of significant issues that are confronting the community of Queensland. But, in the end, for me to give a direction there is a proper process to be followed, and that process would be followed if I took that step. I have given no such direction since I have been minister.

**Mr LANGBROEK:** In that case, Chair, my next question is to the commissioner. That means that obviously the commissioner has made the decision independently of the minister to establish Taskforce Resolve. I ask the commissioner about the process by which that came about, given that a couple of weeks before then or a month before then the Premier came back from holidays and I think was with Deputy Commissioner Ian Stewart. At that stage no action was going to be taken, but subsequently the commissioner has taken that decision to establish Taskforce Resolve. Is that correct?

**Commissioner Atkinson:** I am not sure of the detail of the Premier's leave or Mr Stewart's nexus to this. Without question, the decision to establish the serious and violent crime squad, which is also known as Taskforce Resolve, was mine and mine alone. In coming to that decision I did consult with the deputies after I formed the view that that was the best way to go. We also consulted with the assistant commissioner in the region. None of the three deputies or the assistant commissioner in the region had any objection to the establishment of that group. In fact they were supportive.

The background to it was that there had been a review of the detective strength in the region and that review had recommended a significant increase in numbers. We had provided some of those numbers—14—in the previous year's staffing allocation. The challenge for me was to make the best use of whatever additional detectives we could provide for the region. Basically, the two options were to allocate additional detectives to the three districts—namely, the Gold Coast district, Coomera or Logan—which would have resulted, in my view, in a spread; it would have been of value, of course. What I wanted to try to do was have a group that could travel anywhere in the region, that would be freed up from the day-to-day investigative duties of detectives that tend to tie them down and that would only focus on serious violent crime. So the decision that I came to, supported by my senior executive colleagues, was that the best way to do this would be to establish a new group, a group that was independent of any district but would work the whole region and focus on serious violent crime. So no-one else was involved in that decision.

**Mr LANGBROEK:** And that certainly has been welcomed of course by all the Gold Coast, Logan and Coomera community. Commissioner, can I then ask why the Coomera police district has such a high police to population ratio? I think the state average is one to 434, but question on notice No. 12 says that there are 188 police in Coomera and there is a population there of over 200,000 so it is a ratio of over one to 1,000. Can I ask you about that and then I will ask a series of questions, with the Chair's permission, about Coomera specific issues.

**Commissioner Atkinson:** Thank you for the question. The decision was taken to establish a district at Coomera, which we did in November 2009, and a very important part of that was in terms of planning for the future. Another significant growth area had a district established as well shortly before that, and that was at Caboolture. In establishing the district, there were one of two ways that we could have gone about that. We could have robbed the other two districts—Logan and the Gold Coast—and put significant numbers into Coomera at the outset or we could have had a plan to build that district up gradually over time. We opted for the choice of building the district up gradually over time.

As a consequence of that, however, it has started out with a police-population ratio that is one of the highest in the state. We intend and plan to bring that down. That will be a challenge because, as I am sure you are well aware, the district of Coomera is experiencing significant population growth, but we will bring the police-population ratio down. Every year we will put additional resources in there. We are currently planning for additional resources for the Coomera district. We have not quite finalised yet what that will look like, but we are in that planning process now.

Regrettably, of course, throughout the state not every district has I suppose the perfect balance of police to population. Could I just make the comment though that that is not the sole determinant in terms of the police-population ratio. The Brisbane West district, which is that area from Toowong out past Indooroopilly, also has a similar police-population ratio to Coomera but with different demographics. The Brisbane West district has I think the lowest rate of crimes of violence and possibly the second lowest rate of property crime in the state of the 31 districts, so of course there are other factors apart from police-population ratio.

**Mr LANGBROEK:** I understand that obviously it is not cut and dried because I think 70 per cent of the districts do not have the exact police to population ratio or the lowest police to population ratio. Commissioner, can I then ask a specific question: given that the Coomera district includes Nerang,

Mudgeeraba, Tallai, Tamborine Mountain, Beaudesert, Canungra, Rathdowney and Hope Island north to Pimpama, how many uniformed car crews patrolled the district of Coomera last Friday and Saturday nights?

**Commissioner Atkinson:** I will have to take that question on notice. That would be a matter for local management and obviously the availability of resources. As everyone is aware, policing is a 24/7 arrangement. Many of those stations are not 24-hour stations though. However, those that are not would be covered either by call-out arrangement for the officers being called on to duty or by cars where it is 24 hours attending.

There is the backup of other resources as well. So whilst there might only have been a particular number of cars from Coomera, there would have been detectives, there could have been Dog Squad officers, there could have been Traffic Branch personnel and there may even have been Public Safety Response Team personnel from Brisbane in the region as well. To answer the question properly, I would have to take it on notice and look holistically at everyone who was available in the Coomera district at that time.

**Mr LANGBROEK:** Can I ask the minister whether he is happy to have that taken on notice?

**Mr ROBERTS:** Absolutely, we will provide that information.

**Mr LANGBROEK:** Thank you. I want to come back to your previous statement about the announcement in November 2009 that Coomera was going to be formed. Can you confirm for the committee that former minister Judy Spence issued a statement in June 2008 that \$7 million was for the Coomera district back then, so a year and a half before then?

**Commissioner Atkinson:** No, I cannot, I am sorry. I think the district commenced its establishment from 7 November 2009. Clearly, the decision to establish the district would have been made before then and it could well have been made in the previous financial year with funding to roll out from the next financial year. I regret that I am having to take so many questions on notice, but I will have to take that particular question on notice.

**Mr ROBERTS:** I can clarify that. The district commenced operations on 7 November 2009.

**Mr LANGBROEK:** I actually will table a statement by the then Minister for Police, Corrective Services and Sport from 3 June 2008 which includes a statement of \$7.3 million for the new Coomera district headquarters. I will table that for the commissioner's benefit.

**Mr ROBERTS:** Following on, if that announcement was made a year or so before, obviously the building needed to be constructed and established and it commenced operations in November the following year.

**Mr LANGBROEK:** Sure. We have already ascertained, by the way, that the minister was happy to have that taken on notice. How many calls for service in the Coomera district over the past six months saw an officer injured?

**Commissioner Atkinson:** I am sorry. I do not know the answer to that question.

**Mr LANGBROEK:** I understand that. Again, can I have that taken on notice, Minister?

**Mr ROBERTS:** Yes, we can provide that information. I am happy for the commissioner to provide a lot of this information. It is very detailed but, yes, we can take that particular question on notice and get back to you on that.

**Mr LANGBROEK:** Thank you. Subsequent to that and, again, focusing on the Coomera police district, I would like to know the number of officers who are on sick or stress leave or who are seconded to areas outside the district.

**Commissioner Atkinson:** Again, I cannot give you that information at this precise moment, but if the minister is agreeable we can take the question on notice.

**Mr ROBERTS:** Yes.

**Commissioner Atkinson:** Is that officers on sick leave?

**Mr LANGBROEK:** Sick leave or stress leave or seconded to areas outside the district.

**Commissioner Atkinson:** Just for the purposes of clarification, sick leave covers stress leave so we would probably simply provide the number of officers who are on sick leave. If an officer takes a day off for sick leave, obviously I do not think you are looking for that. Are you looking for longer term leave?

**Mr LANGBROEK:** Yes, exactly, not daily leave.

**Commissioner Atkinson:** Thank you.

**Mr LANGBROEK:** Once again with a view to having a look at this overall police district where significant issues have been raised about the resourcing there—and that is why I am pursuing this line of questioning but I am nearly at the end and I ask for your indulgence, Mr Chairman, as I ask the commissioner a question again—how many first-year constables are currently working out of the Coomera district and how many of those are field training officers with less than five years service? Again I understand that you may have to take this on notice.

**Commissioner Atkinson:** For the purposes of accuracy, I would prefer to take that question on notice as well. Can I say that Coomera is a very important training station, as are Logan and the Gold Coast districts. They are good areas for officers in their first years of service to go and to become acquainted with the range of duties that they perform as a police officer. We would see that as a valuable training area and I see that expanding into the future.

**Mr LANGBROEK:** Minister, again, are you happy to have that taken on notice?

**Mr ROBERTS:** Yes.

**Mr LANGBROEK:** Thank you, Mr Chairman. I have completed that line of questioning.

**CHAIR:** We will turn to something different then. This committee is, in a sense, a successor of the Law, Justice and Safety Committee, the committee that made a series of recommendations about alcohol fuelled violence. Would the minister please advise how the Queensland Police Service is working to reduce alcohol and drug fuelled violence?

**Mr ROBERTS:** Thank you for the question. I think from a community perspective there has been a strong community view expressed that people are a bit fed up with some of the antisocial behaviour that has been occurring, particularly in some of the more popular night spots. Having been through a number of these areas myself with police at some of the busiest times, including in Brisbane, the Gold Coast and North Queensland, I think the comment I would make is that the vast majority of people who attend these major entertainment precincts do so for the sole purpose of enjoying the entertainment and the time with their friends.

From a Queensland police perspective and indeed from a government perspective, we do not want to interfere unnecessarily in people's ability to enjoy what are very popular night spots and indeed significant employers of people in our community. However, in response to growing concern, a parliamentary inquiry, as the committee is aware, was established which came up with a number of recommendations, and the government has responded to that in a number of ways. With respect to the Queensland Police Service and the direct role that it plays in enhancing and improving behaviour so that the overwhelming majority who do just want to go out and enjoy themselves can do so, a couple of significant initiatives have been put in place.

The most significant is the creation of the three drink-safe precincts in Townsville, Fortitude Valley and Surfers Paradise. As part of that, one of the significant powers which was granted to the courts was to issue banning orders and I can provide the committee with some facts on that. The amendments that were made were to the Bail Act and the Penalties and Sentences Act. I can provide some figures in relation to the activity under those two acts since the commencement of the drink-safe precincts, and that commencement was staggered in a couple of areas but it was around December 2010.

Within the three drink-safe precincts, as at 30 June this year, there have been a total of 72 banning orders applied for directly by police: 31 of those have been imposed by the courts, 10 were refused and 31 are pending. In addition, within the drink-safe precincts themselves, there have been seven banning orders issued without police application. Obviously, the courts can consider a range of matters when they are sentencing offenders and can impose those without a police application.

Areas outside the drink-safe precincts have also had the banning order provisions apply to them. I think this is an important point here: the government has provided funding—and additionally in this budget—to the Queensland Police Service to fund the extra hours that police are committing to the drink-safe precincts but that does not mean that police have not been targeting and indeed increasing commitments to some of these other areas on a targeted basis. So in those non-drink-safe precinct areas, police have made a total of 33 applications for banning orders: 18 of those 33 have been issued, 10 were refused and seven are pending. In addition to that, there have been 47 banning orders issued without police application.

Some of the other key parts of the targeting of the alcohol fuelled antisocial behaviour and violence did involve amendments to the Liquor Act. It is not my portfolio directly, but obviously police have a direct interest in the issues of high-risk areas which now can be prohibited from serving liquid in glass containers, and that legislation has been in place now for some time. In addition to the specific allocations which have been given to the drink-safe precinct—and, again, just reiterating, there are allocations in this budget to support police doing that—as I indicated, the police will continue as they always have to target entertainment precincts to make them safer and more enjoyable for the community.

Members of the committee would probably be aware of the national initiative Operation Unite. This was an initiative of police commissioners both within Australia and New Zealand where police services right across the nation focus attention over identified weekends, and it has occurred I understand on about three occasions over the last couple of years, although I stand to be corrected on that. Yes, there were three operations of that national program Operation Unite conducted during the 2010-11 financial year resulting in 844 arrests and 385 drink-driving charges.



I think some of these figures would be quite alarming to the community. Targeted operations will obviously result in more offences being detected. I have spoken to police officers who now work in the drink-safe precincts and indeed in other areas and hopefully—and I think some of the evidence is there—there has been a noticeable change in the behaviour. There are always going to be those people who have no regard for the peaceful enjoyment of an area for others, but anecdotally from a number of the police that I have spoken to directly there has been some improvement and an improved ability to maintain these areas in a way so that more people can enjoy them. I might just leave my comments at that at this stage.

**CHAIR:** I call the honourable member for Mount Ommaney.

**Mrs ATTWOOD:** I commend the commissioner and the Queensland Police Service for the record low road toll and the achievement of a lower rate than the national target. I ask the minister to outline to the committee the steps being taken to enhance road safety.

**Mr ROBERTS:** Thank you. The issue of road safety is something which I know Queensland police officers take to heart and very seriously. It is one of the mandatory issues that the Police Commissioner and I speak about every morning—and I know this occurs with the transport minister as well—where we get a report on accidents which have occurred in the previous 24 hours and keep a track of the road toll. But I know from talking directly to many traffic officers and senior police involved in the traffic management area that it is a passion of many Queensland police to drive down the road toll. It is all about ensuring as much as humanly possible that drivers obey the road rules and that drivers are aware that police are out there not just to enforce the rules but for their own safety, and last year, as the member alluded to, was a record low.

As at today the figures are 139 and 12 over—that is, 12 over the same period last year—which so far this year is the highest from my recollection that it has been over the same period last year. That of course is disappointing because it would have been great to see those extremely lower numbers continue, but this is an area where changes can occur in a short period of time and hopefully in the second half of the year we will see that reduce.

Just for the record, the road toll for 2010 was 249, which was 82 fewer than the previous year, and the rate per 100,000—which is, in a sense, the real comparator across the years—was 5.52 per 100,000, which I think was the lowest road toll from 1952. That was a really significant reduction. There will be a lot of debate about what the reasons for that were—of course we are 12 above at this point but hopefully we can keep that trend going down—but I have no doubt in my mind that there are a couple of key factors in the reduced road toll. One is the increasing professionalism and targeting by Queensland police of road offences. As I said, since I have been minister I know that the people I talk to are passionate. They are continually looking for ways to raise awareness and to drive the road toll down.

One of the other factors which I believe is having a significant impact on driver behaviour which is a significant factor in many incidents are speed cameras—not the most popular topic around the barbecue. I have many friends who are not too happy with some of the consequences of being caught by a speed camera, but I am absolutely convinced that the speed camera program in combination with visible enforcement and the other range of technology that police are using is helping to reduce the road toll and will continue to do that, and we have seen it in other states.

I just want to give the committee a couple of figures for fixed speed cameras and then I will extrapolate to what has happened since then. If you look at fixed speed cameras, which essentially commenced in around 2008, in 2008 we had three sites and the rate was 3.04 speeding detections per 1,000 vehicles. In 2009 we increased the sites to seven sites, but the rate per thousand vehicles dropped to 2.02. Even in one year that was a significant drop. In 2010 we had nine sites and the rate dropped to 0.98. These are real comparisons. These are not actual numbers; this is the rate per thousand vehicles which is a truer comparison of the impact of the speed cameras. Up until 31 March the figure is 0.91.

What that is showing is a significant reduction in the rate of detection. That is a good thing which means that fewer people per capita are being fined. That is occurring at fixed camera sites and the obvious explanation or conclusion one might draw is that people know where they are and therefore they always slow down. But that fact alone demonstrates one thing: that when people believe that there are speed cameras in place and out in the community, they will slow down. The irrefutable fact is that if people slow down we will save more lives and we will not have as serious injuries which would otherwise occur.

The evidence which I have provided to me from the Police Service—and I just do not happen to have the figures with me now—shows that the rates of detection per thousand vehicles for mobile speed cameras has decreased and over time I think we will also see the rates of detection for covert cameras decrease. They are actually much higher than fixed cameras—that is, the actual rate of detection per thousand—but they are coming down. That leads me to refer to the decision of cabinet to support the Police Service having up to 30 per cent of hours of camera detection in a covert fashion—that is, no marking and all types of vehicles. It could be my old Datsun 180B or it could be a ute or a van with speed cameras in them.

I am convinced that over time the fact that the 'anywhere, any time' platform on which the government and the Queensland Police Service now bases speed enforcement through camera operation will start to trigger in people's minds that every time they hop behind the wheel potentially there is a speed camera out there. That is probably not the best way to change driver behaviour or the most desirable way. However, the reality is and the evidence is that it does change behaviour. I am convinced that all of the camera operations—fixed, mobile and covert—will contribute to a reduced road toll. On the issue of the resources that police have, the government through its commitment also committed to an additional 106 traffic police, which is a significant increase over the last two years, which, again, increases the visible presence.

**CHAIR:** I call the member for Mount Isa.

**Mrs KIERNAN:** Good afternoon, Minister, and good afternoon, Commissioner. Minister, my question is about our summer disasters, particularly the extensive flooding and Cyclone Yasi. We know that it fully tested so many systems, but a key and significant change just prior to that was the management responsibilities being handed over to the Queensland Police Service. I want to know the broader role that the QPS played. But before I ask you to answer that, given that I have never met Deputy Commissioner Ian Stewart in person and have only seen him on my telly the whole time, I also want to congratulate him and thank him again for the significant role that he played right across Queensland. Could you outline the significant role that the QPS did play in this summer of disasters?

**Mr ROBERTS:** Thank you for recognising Deputy Commissioner Ian Stewart. As I have indicated, I think universally his role has been recognised as extremely significant in terms of the operational management and I again place on the record my appreciation on behalf of everyone for the work that he did.

The Disaster Management Act in Queensland provides and establishes a very robust disaster management system, and has for some time. It was reviewed over the last 12 to 18 months and, as the committee would be aware, changes were made to the Disaster Management Act last year which came into effect in November last year. One of the key changes—although the fundamentals remained the same, there was a lot of strengthening of the provisions and structure—was to at a state level provide a more focused role for Emergency Management Queensland in supporting councils' built capacity, local disaster management groups et cetera and for police—which they have always done—to refocus their attention on those sorts of aspects, including training.

One of the other significant changes was to provide a more significant operational role for the Queensland Police Service. As you indicated, Deputy Commissioner Stewart was the state's first State Disaster Coordinator. From a policing perspective, there were a number of other changes in terms of the support and executive role that police officers played at the State Disaster Management Group level and also at the district disaster group level, where they have always been the significant officer in terms of chairing those groups, but it was beefed up in terms of the executive officer role for both the district and the state level.

Following those changes the QPS put in place a range of initiatives to support those officers who are now playing a more prominent role, and that included briefing sessions, training and support for a range of people. Just for the committee's benefit, the QPS provided 21 additional permanent police officer positions last financial year to provide the support that I have referred to to district disaster management groups, which is the second tier in our disaster management system, and two additional positions to its central Disaster Management Unit. Again, when we have seen the Queensland Police Service response—and I will talk more about the Department of Community Safety response later today—they have a significant capacity to run 24/7 operations for a long period of time and that was obviously part of the thinking when this more significant operational role was provided.

In terms of the other roles, of course we have mentioned the State Disaster Coordinator role that Deputy Commissioner Stewart undertook and senior Queensland Police Service officers were also responsible for chairing the state disaster coordination group during the actual disaster response. For the benefit of those who are not totally familiar with the disaster management system, the State Disaster Management Group is in a sense the policy formulation body but the coordination group is the operational group which meets daily—twice daily—during disasters to actually manage the state-wide response. During disasters a Queensland police officer will be assigned to chairing that and EMQ would take over the role in non-disaster periods.

In preparation, as I have indicated, prior to 1 November QPS facilitated with EMQ 14 state-wide briefing sessions on the changes to the act. Additionally, the Disaster Management Unit delivered a number of internal briefings and facilitated two two-day training sessions targeting 70 QPS officers and so on. The message I am giving the committee is that the changes to the act were significant. The Queensland Police Service and indeed Emergency Management Queensland invested considerable time and effort in ensuring that their officers who had responsible positions were briefed and trained on their responsibilities.

From where I sit as minister, I am tremendously proud of the way in which obviously both Queensland Police Service officers and indeed Community Safety implemented those new arrangements in some of the most difficult and trying times in terms of a natural disaster in Queensland's history. To conclude, the QPS's role is not finished there. Obviously, once the disaster response is over there are recovery committees. QPS officers have been actively involved in local recovery committees as well.

**Mrs KIERNAN:** Thanks for that, Minister. I have to say that in the north particularly I have a close working relationship with the police in my district. I would have to say that in watching them and in going out and visiting the other areas as well they did all step up to the plate, particularly in North Queensland but right across Queensland. I would like to acknowledge the officers in my patch, so to speak. My follow-up question is about social media and the role that it is playing. I do not know that I have become a friend of the Queensland police yet, but I am certainly a friend of the fire services. The social media has enhanced the response capability of getting messages out. Could you tell the committee about some of those improved mechanisms that we now enjoy, such as Facebook and twitter—not that I am twittering yet.

**Mr ROBERTS:** Thank you for the question. Again, I really need to congratulate the Queensland Police Service media team for what I think is the nation-leading use of social media during catastrophic events or disasters. The media unit established both a Facebook page before the disasters but also a twitter account, which was used by Deputy Commissioner Stewart, who used to tweet during the disasters. The number of people who relied upon or who used that media to get information out about what was happening was phenomenal. I will just provide some figures. Up to the end of 2010—so we just started, obviously, towards the end of 2010 with some of the weather patterns that we experienced into the new year—around 10,000 people followed the QPS Facebook page prior to the onslaught of the floods. Throughout the disasters there was a gain of around 150,000 new followers over a period of just a few months. That was just a phenomenal increase in a very short space of time. At one point the QPS Facebook page had approximately 40 million story impressions—and I will need the technocrats to explain precisely what that means, but I am sure it is significant—and over 10,000 interactions a day. I heard personally of so many people who indicated that they were using the QPS Facebook page and indeed following the twitter account to get up-to-date, relevant information.

One of the problems or issues with social media—and QPS has been very conscious of this and they have done their own research—is that internationally I think it is recognised that the Mumbai terrorist attacks in 2008, the Victorian bushfires in 2009 and also referred to here the 2009 Iranian election protests are some of the international events where people were following a lot of information about those events on Facebook and twitter. But, of course, one of the factors which comes into play with those types of events is the amount of misinformation which can be disseminated as well. So I think when the floods came around there was an ideal opportunity and a desire of people to know what was happening. They needed a reliable and trusted source of information and, of course, that is what the QPS provided. That is why the numbers have grown so significantly. To date, the QPS has more than 205,000 Facebook followers and 14½ thousand twitter followers. That I think is a really significant achievement. The media team has been recognised for the great work that they have done. They have recently won the Australian government 2011 Excellence in eGovernment Award in the Government 2.0 category. Again, that is a real credit to the team in the media unit for establishing something which will now set the benchmark for information dissemination in future disasters.

There are, of course, many other uses for Facebook. If you log on to the Facebook page now or the twitter account you will find a whole range of information about crimes that might have occurred or major incidents—traffic et cetera—which people are logging on to and getting the information they need.

**Mr FOLEY:** I just wanted to clarify whether Judge Manus Boyce will be present at the hearing.

**Mr ROBERTS:** Yes, he is here, yes.

**Mr FOLEY:** Because some of the questions might relate to his role.

**Mr ROBERTS:** Yes, sure

**Mr FOLEY:** With the questions that I want to put to the minister regarding prostitution I am happy for the minister to answer or, if he wishes, to defer to Judge Manus Boyce to answer the question as well. The 2009 report into prostitution in Queensland highlighted a number of issues. Minister, we have spoken about some of these things on the odd occasion. Could you advise as to the extent of illegal operations? I understand that there is a lot that has been put out on legal prostitution. What is the police and/or the Prostitution Licensing Authority's intelligence gathering saying about illegal prosecution prostitution and, in fact, under-age sex trafficking in Queensland. What would be the current state of play?

**Mr ROBERTS:** That is an issue that I might ask the Police Commissioner to make some comment on. As you would be aware, the Prostitution Licensing Authority was established by the government to regulate the legal industry. Certainly, that is the focus of the authority's brief. I might add that they do a very good job. I think that when you look at any analysis of the work the authority does in

ensuring that the legal prostitution industry in Queensland has remained corruption free and as safe an environment as humanly possible for both workers and those people who choose the clients then they have done a very good job. There has been and indeed always will be an illegal industry. Whereas the authority may have some idea about the extent of that, initially, I might see if the Police Commissioner wants to add to that, but I know from information and briefings that I have received that the Prostitution Enforcement Task Force within the police force is very proactive and will act upon complaint. It will target operations to stamp out illegal prostitution activity.

In terms of the issue of trafficking, again, I will allow the commissioner to make some comment on that. I am not aware that there is any evidence of human trafficking in Queensland—subject to correction—but it is an area which, of course, would be of concern if there was evidence of that occurring. I might, if the commissioner wished, pass to him to make any particular comment on those two issues.

**Commissioner Atkinson:** Thank you, Mr Foley. The first one is obviously a very serious matter and that is human trafficking and human bondage. We work closely with the Australian Federal Police and the department of immigration in that space and as at the present time we are not aware—but we would welcome any evidence to the contrary—of any such activity occurring in Queensland. I am not saying that it does not, but I think quite extensive inquiries by the Queensland Police Service together with the Federal Police and the department of immigration at this point in time have not been responsible for the identification or the prosecution of any people in that space. But it is something that, in my view, we need to maintain a constant vigil in respect of.

The Prostitution Enforcement Task Force has 15 staff—15 sworn officers. As at 1 May this year, statistically they had charged 111 people with 235 offences relating to illegal prostitution activity. My own sense of it is that the legal brothels, of which I believe there are 23, have been very effective—not just in terms of limiting criminal activity but obviously in terms of the associated things as well, such as health and other issues. This is an area, however, that is difficult to measure. Any area of unreported crime is difficult to measure. It is like drug use. People are not necessarily going to report the offence. By way of comparison, the one offence that we believe is reported to the full extent of its occurrence is car theft. People might not even report that they have been assaulted if it has been by a relative. They might not report theft, again if it is a relative who has stolen something from them. But everyone just about reports their car stolen. The offence of prostitution is in that other category, though, of things that are not generally reported.

**Mr FOLEY:** In your discussions with the Federal Police is that their position as well—that they do not believe that there is any sex trafficking or bondage trafficking in Queensland?

**Commissioner Atkinson:** With respect we are actually not saying that there is not any; what we are saying is that, together with the Federal Police and the department of immigration, at this point in time we have not successfully prosecuted anyone for that or we believe identified any existence of that activity. But that is a constant vigil and that work is ongoing. I cannot speak for the Federal Police in terms of other jurisdictions; I can only speak for Queensland.

**Mr FOLEY:** Yes. Just to follow up on that, with the legal operations in brothels, what sort of vigilance is undertaken to make sure that under-age girls are not working in brothels?

**Mr ROBERTS:** From the policing side of it, there is regular engagement in that regard in terms of inspections. It might be better in this case if I defer to Deputy Commissioner Ross Barnett from the policing side of it, because he is more experienced than I am, having previously been charged with our State Crime Operations Command and currently being the deputy commissioner responsible for that area. So if that is okay, I will hand over to Deputy Commissioner Barnett.

**Deputy Commissioner Barnett:** In terms of general compliance, the Prostitution Enforcement Task Force makes regular scheduled and unscheduled visits to all of the licensed brothels around the state. We also act on any complaints that come in either directly to ourselves or to the PLA and investigate all of those. So we are confident that all of the sex workers operating in the licensed brothels are appropriately screened and cleared.

**Mr FOLEY:** I am not being facetious here, but is there an actual process? When a prostitute wants to work in a brothel, who runs those due diligence checks in terms of their age, their health and other factors like that? Whose responsibility is that?

**Mr ROBERTS:** I might ask the chair of the authority to address that particular question. He would be able to outline both the requirements under the act and for the authority.

**Mr Boyce:** So far as age is concerned, if I could say the sex worker must produce evidence of age to the licensee before commencing work at a particular brothel. That has to be sighted and a note made in a register that is inspected by officers from the authority on their audit inspections. So far as sexual health is concerned, the sex workers are required to have checks every three months and produce a certificate from a medical practitioner, which is in a prescribed form.

I might come back to the question of sex trafficking. Every licensed brothel each year is subject to inspections, which are both announced and unannounced. Every brothel in Queensland each year will have one unannounced visit and they may have more if there are any grounds for concern. There has been no evidence found of trafficked women in any licensed brothel. In recent years there have been several unannounced visits to brothels where Asian interpreters have been brought along together with officers from the Commonwealth immigration department. No evidence of trafficked women was found.

In recent months we have adopted a policy, and it is a term of the brothel licence, that in every licensed brothel there must be placards which have to be displayed in both the reception area and in the working area. Those placards are in English and in three Asian languages—I think it is Chinese, Thai and Korean—and they raise this question of sex trafficking, indicate briefly what the rights of a person are and give a phone number which may be contacted. Those placards are directed to clients and not merely to workers. In addition, there are leaflets which must be made available in every licensed brothel, which once again are in English and in three Asian languages, and they are addressed to sex workers informing them of their rights and, in particular, what they may do if they are concerned about sex trafficking. But as I say, no evidence of trafficked women has been found in any of the licensed brothels in Queensland. The illegal industry is outside our jurisdiction so I cannot really comment on the illegal industry.

**Mr FOLEY:** Thank you. I have a couple of other points. In the 2003 Woodward report, *Selling sex in Queensland*, there was some degree of research into the mental health of prostitutes. The 2009 report did not seem to mention it at all. Perhaps one of the factors is that the 2003 report showed that the mental health of both legal and illegal prostitutes was significantly lower than that of the general population. With these regulatory checks, the mandated health checks, is there anything done in terms of checking their mental health, as they may become quite disturbed by the work they are doing, especially the younger girls?

**Mr ROBERTS:** I might just ask the chair to give a brief response to that. The act establishes a regime for legal brothels in Queensland. The authority has a responsibility to regulate that legal industry. Ultimately, whether it is a brothel or a bakery or a legal office, there is a responsibility on an employer to ensure that appropriate workplace health and safety standards are provided for any of their employees. Now, whether that is a prostitute or a lawyer or a baker, the obligation on the employer to ensure that people work in safe environments remains the same. In terms of the mental health of prostitutes or, indeed, of anyone, obviously if employers become aware, or should be aware of issues, I would expect that there is a legal obligation on them to take appropriate steps. Now, I might just, if I could, ask the chair to briefly respond to that particular question whether there is, in fact, any account taken of that, but I would suspect ultimately the responsibility lies with the employer, as it does in any workplace, to ensure that their employees are not exposed to risks and if they identify a particular risk factor then they should be required to take appropriate action to ensure that their safety and wellbeing is looked after.

**Mr Boyce:** The only health checks, and they must be done every three months and a medical certificate obtained, are solely concerned with what used to be called venereal disease, but nothing is required so far as mental health is concerned. As the minister has indicated, it is really a matter for the brothel licensee. It might be of interest to know that where venereal disease is concerned the rate of chlamydia in prostitutes in Sydney is lower than in schoolgirls in the Australian Capital Territory. That is an interesting statistic although it does not bear on mental health.

**Mr FOLEY:** A follow-up comment to that would be that leaving a brothel owner to say, 'I don't want that girl to work for me any more because she has got some mental health issues,' might be expecting a bit much because they have got a certain pecuniary interest in the girl continuing to work in that situation. There is one other thing that I want to inquire about. The Criminal Code regarding prostitution obviously does not cover sole operators whilst legislating against the presence of children at places where there are two and more prostitutes operating. Section 229L is very clear that if there are more than two prostitutes you cannot have children anywhere near the place. This means that it is possible that the children of sole operators may be present and therefore influenced when their mothers entertain guests. If you have a sole operator and that is their only income and they are operating outside of the bounds of the legislation, I know it is a difficult question to ask because you are charged with stamping out illegal operations. But you do not have a set of moral rules obviously for that. But I am very concerned that in that situation there may be children present when that entertaining of a guest takes place.

**Mr ROBERTS:** I think any responsible adult would share your concern. I think though, and I may need to seek some advice on that, that you will find that an adult who exposes a child to prostitution in the way that you are talking about would possibly—in fact, I am sure—be in breach of a number of other provisions of other acts in terms of the welfare of the child. I would share your concern if that was occurring with any child, but if you don't mind I might seek a little bit of advice because I think it would be another minister's act that might have welfare provisions.

**Mr FOLEY:** Yes, Child Safety.

**Mr ROBERTS:** Yes, which would come into play should a child be put in those circumstances which I do not think that anyone would deny would be absolutely unacceptable.

**Mr LANGBROEK:** I would like to now turn to the issue of police numbers—that old chestnut—and ask the commissioner about the answer provided to non-government question on notice No.11 which was about actual police officer strength. I see that there is a total of 10,557 police officers in the state, but 7,347 are receiving the operational shift allowance. I just ask the commissioner to confirm then that we have only 7,347 front-line police actually receiving that operational shift allowance which means we have a significant number not receiving that operational shift allowance?

**Commissioner Atkinson:** In my view, all the 10½ thousand police are productively involved in their core role which is providing for the safety and security of the community. Not everyone works shiftwork. There are detectives, for example, who might not work shiftwork. There are officers who might be police prosecutors who do not work shiftwork but who play a very important role in the system and do not receive the operational shift allowance. In my view we have the right balance in terms of those officers who are doing shiftwork and receive the operational shift allowance and we have got the right balance, in my view, in terms of those who do not but perform other functions and duties and roles and responsibilities that are equally important in terms of providing the backup and support.

**Mr ROBERTS:** Can I add some more information?

**Mr LANGBROEK:** Not for the moment, thanks, Minister. I am happy just to ask the commissioner about the issue. No-one is questioning whether people who are not at the front line or receiving the operational shift allowance are offering a service. A number of police whom I have met around the state are concerned about the fact that front-line policing needs more support. They are significantly concerned about the declining numbers receiving the operational shift allowance. I want to ask the commissioner then, when we look at the answer to the same question about police numbers from two years ago, the number of officers receiving the operational shift allowance as at 30 June 2009 was 7,396. I table that for the commissioner. Now this year it is 7,347. Whilst we have the government talking about increasing numbers of police, those actually receiving that operational shift allowance has actually declined whilst the number of total police has gone up by 280 over that two-year period.

**Commissioner Atkinson:** Could I take the detail of that question on notice? There may well be very good reasons for that and it may well be that those additional officers have gone into support roles. We try, and I believe we are successful in this, to get as many people into direct operational front-line service delivery roles as possible. But it is also essential that those officers be backed up by competent police prosecutors so when they take a case to court that case is properly prosecuted; that they be backed up by competent scientific and scenes of crime personnel so that at a crime scene their initial investigations can be supported. But in terms of the specific detail of those numbers, if the minister is okay, I am happy to take the question on notice and come back to you with some precise, I guess further, explanation.

**CHAIR:** I ask the minister if he would like to take that on notice. He might also like to add something.

**Mr ROBERTS:** I do, thank you, Mr Chair. It is unfortunate that the member for Surfers Paradise is seeking to mislead the Queensland community about this issue. There was a media statement released this morning where the member talked about the number of operational police and that three out of every 10 police are tied up in paperwork based tasks and the issue of the number of police on the operational shift allowances. Former opposition police spokespersons have endeavoured to do the same in terms of misleading the community. The reality is, and I accept that the commissioner can provide this information further, that the operational shift allowance does not determine that a person is front line. The operational shift allowance applies in particular circumstances where people work particular shift patterns. There are a significant number of other officers who work in small stations where they do not actually receive the operational shift allowance. They are front-line officers. They are uniformed officers out there on the beat performing police functions. In police beats, for example, and many of the smaller stations, people do not receive the operational shift allowance. So it is absolutely misleading and dishonest for the member to put out a media statement making that claim.

I have here before me a couple of figures, and the commissioner can clarify this later. The 2011 Report on Government Services, which is the only national comparison report that we have, indicated that the Queensland police staff by operational status—there is a particular definition used for those national reports—was 90.8 per cent. That is slightly above the national average which was 89.5 per cent. That is one measure which clearly indicates the actual number of operational people, which in that ROGS definition does include some staff members as well. But the advice that I have from the police is that as at 1 May 2011 there were 9,986 operational police in Queensland, which represented around 95.2 per cent. The member for Surfers Paradise is endeavouring, through this line of questioning, I assume, but most certainly through the media release which was put out earlier today, to run this line that there are fewer operational police and all these other police are sitting around doing desk work. It is absolutely false, untrue and the facts demonstrate that to be the case.

**Mr LANGBROEK:** Can I ask the commissioner, continuing this line about police numbers, between 2008-09 and 2009-10 we had more than 1,300 police sworn in and yet the number of actual police officers only grew by 181. Given that this year's budget allows for 150 extra to be recruited, is the commissioner satisfied that our recruitment levels are satisfactory when we have police to population ratios in 70 per cent of districts that are outside the state average?

**Commissioner Atkinson:** I am satisfied that we have sufficient police to provide a professional policing service to the people of Queensland. By all means I am happy to debate police-to-population ratios. I think that we have to be really cautious when we do that, because when you look at the state there are remote and isolated areas of Queensland that have police-to-population ratios, in some cases in Indigenous communities, of probably one police officer to every 40 or 50 people. That is entirely appropriate. Recently I mentioned the Brisbane district of Brisbane West, which has a high police-to-population ratio of approximately one to 900 and yet it has one of the lowest rates of crime, if not the lowest rate of crime, in the state. So that is only part of the overall consideration.

We need to look more holistically over a period of three years, at least, as a minimum in terms of the commitment for this electoral cycle, which is three years of 600. Those numbers will ebb and flow over a period. At any given time, for example July, our attrition rate is running at about 3.4 per cent, which is a very low figure by industry standards. Industry standards, as I understand, say that 10 per cent is reasonable. We are running at 3.4 per cent, so very few people are leaving us. There is a compulsory retirement age of 60. People tend to leave us in July, obviously because of financial circumstances. At any given point, obviously the figures might not show a huge increase but over a more sustained period I think that the increased numbers are more truly reflected. At the moment with that 3.4 per cent, we lose around about 300 people a year. They are replaced through recruitment, as are the additional officers. With interships it is 600, but for this year it is 152.

**Mr LANGBROEK:** Commissioner, looking at the recruitment of police, is the service moving away from officers having some form of tertiary qualification or part thereof as currently exists and, if so, how will this impact on the professionalism of the service or is it an admission that recruitment is struggling?

**Commissioner Atkinson:** No, it is not. I do not think recruitment is struggling, but we need to be very conscious and mindful of two things. Potentially, we could move into a space in the future where recruitment will be in a very competitive environment if the economy of Queensland, as is predicted, booms in the next few years. The other issue that is really important is that for us and for the people we serve we need to recruit the best sort of person possible. Previously, we did have a minimal tertiary requirement of the equivalent of 200 hours. What we are exploring now is looking more at the person's potential and capacity to acquire the knowledge they need to be a police officer and to have the ethical and professional standards that we require of them to be a suitable police officer. What we are arranging now is a battery of tests to identify the potential of an individual in those disparate areas. We want to be as flexible as possible. We are a strong supporter of the concept of tertiary education and many of our officers today, compared to the preFitzgerald era, if not the vast majority, have some form of tertiary qualifications. We also attract people with tertiary qualifications and we think that is a very good thing.

We are a very diverse state. The police officer in charge and the second in charge at Boulia may have very different styles and sets of qualities than what you might look for in someone, for example, who will be a detective in the fraud squad here in Brisbane. All may be very competent and capable in their work, but with different characteristics.

**Mr LANGBROEK:** In that case, you are obviously keeping top of mind the Fitzgerald inquiry reports and recommendations saying that we need to make sure that, when we are recruiting, we have qualifications that mean that they will be suitable to be police officers and are not just coming in through other means, which can lead to a culture that would be unhealthy for the service?

**Commissioner Atkinson:** Absolutely. It is fundamentally critical to our future in terms of the quality and calibre of the person we recruit. As I mentioned, not just in terms of their intellectual capability in terms of being able to acquire the knowledge and skill sets that they will need in this fairly complex world to be police officers, but also that battery of psychological testing relates to their professional and ethical standard and values.

**Mr LANGBROEK:** Commissioner, can you advise the committee, have there been any direct recruiting campaigns to attract interstate and overseas police to the service? You mentioned the skills shortage in Queensland that is obviously pending. Last week an issue was raised with me by the member for Gregory, which concerns police in areas like Mount Isa and Mackay who are being attracted by the mines and who are also having trouble with the cost of living. That means that they are either taken away from the service potentially and are also having trouble with their salary and being able to live in areas like that. Can you advise the committee of any of those issues?

**Commissioner Atkinson:** Sir, in answer to those two questions we are very conscious of that. Actually, it is not a new problem. The problem existed at Mount Isa probably 40 years ago. It is not a new problem in mining towns where the cost of purchasing real estate or rental is very high. We are doing all we can to provide service accommodation to address that issue.

In answer to your original question, we have withdrawn from the practice of endeavouring to recruit police from other jurisdictions. Officers from other jurisdictions are welcome to join us if they wish, but they are now required to complete the full training program. In fact, in our last intake induction parade—swearing-in parade—here in Brisbane, three chose to do that, two from South Australia and one from New South Wales. They completed the full six-month program. We have moved away from direct efforts at recruiting from interstate and overseas. We welcome them if they wish to join us and they pass the battery of testing that we provide, but we are not recruiting directly.

**Mr LANGBROEK:** Commissioner, what is the total budget for recruiting currently in the service and, on average, per month how many applications are received by the recruitment division of the Police Service?

**Commissioner Atkinson:** With respect, sir, I do not want to speculate on that. My understanding is that we receive several thousand applications at least each year. Could I take those two questions on notice, which as I understand them are the precise amount spent on recruiting and how many applications are received each month.

**Mr LANGBROEK:** Thank you. I think the minister is indicating that he is happy to have those taken on notice. I turn now to the issue of police drug testing that I note was in the media only last week. I note the Police Service Administration Act 1990. The Commissioner had mentioned that the random drug testing of police may eventually come in. How many officers have been drug tested under the existing provisions of the act and how many officers have returned positive tests?

**Commissioner Atkinson:** I will not be a moment; I believe we can give you the answer to that. Hopefully, this is helpfully indicative. In the period from 1 July 2010 to 1 May 2011, there were—you are only interested in drug tests, not alcohol?

**Mr LANGBROEK:** Whatever you are prepared to provide to the committee will be appreciated.

**Commissioner Atkinson:** In relation to your specific question about drug testing, there were 53 urine drug tests performed after critical incidents. Random breath tests are quite more significant, of course, as they are much easier to carry out. From 1 July 2010 to 1 May 2011, the same period, 1,214 random alcohol breath tests were conducted on members throughout the service and 731 random alcohol breath tests were conducted on recruits. All of those returned a negative result. We conducted 506 urine drug tests on recruits in the same period. Again, they all returned negative results.

**Mr LANGBROEK:** That is certainly encouraging. How much does this cost from test to analysis and what is the total budget for our existing testing regime?

**Commissioner Atkinson:** I will have to take on notice the precise nature of the cost for both the alcohol test and the urine tests. Urine tests are expensive. I think random alcohol testing is part of the price of professional. To establish—and I mentioned this previously—a random drug testing regime in Queensland, given the spread and diversity of the geographic nature of Queensland, will be a very expensive business. As I have mentioned previously too, in all probability I guess it is inevitable because random drug testing exists in other businesses, industries and professions. It is something that will probably come in in the fullness of time. I genuinely do not believe that we have a problem in terms of officers commencing work being affected by either alcohol or drugs in the Queensland Police Service. Nonetheless, the random alcohol breath testing regime needs to be continued and the issue of random drug testing is something that, following the CMC's recommendation, will be considered obviously by the government.

**Mrs ATTWOOD:** My question is to the minister in relation to additional funding in the SDS for the development of the state-of-the-art new police academy, which I know a number of you are really looking forward to the completion of. Would you be able to advise of any recent progress on this facility and the benefits it will bring to Queensland police, as well as next door in my electorate of Mount Ommaney?

**Mr ROBERTS:** I thank the member for Mount Ommaney for the question. I know the member and other members in the area, and the councillors as well, are all very keen to see this project established and ultimately opened. I thank the member for her support. I have been out there on at least three or maybe four occasions since I have been the minister, to visit the site. Recently, I attended the opening of the new driver training facility and a display of a new armoured vehicle that the SERT team has. On other occasions, I have gone there simply to inspect the site.

This will be a world-class, world-standard training facility for police. I believe it will be the envy of other states. It is a magnificent site with plenty of scope for all the activities and training needs of the Queensland Police Service. I know that the officers involved in the project are very excited about it. I was very pleased, both in last year's budget and this year's budget, to see significant allocations to keep the project going. Of course, this year's allocation of \$50 million will start to see some of the core earthworks required for the substantial buildings that will obviously flow for this project. As members of the committee would be aware, the QPS currently has three major training centres: the Oxley academy that will be replaced by the new Wacol site, the police college at Chelmer and an academy in Townsville. The new academy at Wacol, Westgate, will consolidate both the Oxley academy and the police college under the one site. The programmed completion date for the project is 2014-15.



In terms of some of the benefits that will flow, apart from obviously providing a first-class training environment for the Police Service, during its life the project will generate around 3,200 jobs. One of the major parts of the project, which is completed and which I opened in November, is the driver training facility. Again, this is a first-class facility. Police have used Mount Cotton and other venues for training in the past. This venue allows multiple tasks or multiple training exercises to be undertaken at the one time. A whole range of driver training exercises can be undertaken on this site simultaneously, which has not been able to occur to the same extent in other areas. In 2010-11, the budget of around \$50 million will provide funding for the completion of the design planning for the academy, including the site infrastructure, continue the design of the forensic services facility, commence construction of the whole-of-site infrastructure works and the removal of hazardous material, et cetera.

This year's budget will help finalise design for the forensic services facility; continue the construction of the whole-of-site infrastructure works—and there will be a significant amount of work in that area this year; commence construction of the firearms range, the scenario village and the use-of-force training area; and commence refurbishment of the heritage building. That is another issue. As you would be aware, Mr Chairman, there are a lot of very significant heritage buildings on that site, some with an awful history. There was a mental health facility at the site. There are some very sad stories and very tragic circumstances related to some of those buildings. The buildings are quite spectacular and, of course, will be protected in the redevelopment. Obviously, part of this year's budget will be in the next phase of inviting tenders for the construction of the project proper.

While it is going to be a primary police training hub, there are many other aspects and a broader range of functions that will be maintained on the site. As I have indicated, they include the driver training facility, which is now operational, and the special operations training facility. I was out there with the commissioner and other senior officers within the last few months to see the SERT team conduct a demonstration of the new armoured vehicle—it probably has a special name. This venue provides an absolutely spectacular opportunity for police to engage in a whole range of operational training such as firearms, scenario village and simulation training for use of force—that is the actual firing of projectiles in real-life training—and there is a freshwater training facility as well.

I cannot praise the project enough. I really do congratulate the project team on the work that they are doing. Ultimately, we expect to see around 700 to 1,000 recruits trained at the facility each year. It is a very exciting project, and the Police Service and those involved who have been managing all aspects of it to date have done very well.

**CHAIR:** After 12 months of Policelink, what sort of outcomes are you getting?

**Mr ROBERTS:** Policelink is another significant initiative for Queenslanders and, indeed, for the Queensland Police Service. The Policelink number, 131444, will take pressure off and is taking pressure off the 000 call centre network. Currently Queensland Police Service receives around 450,000—and I stand to be corrected—000 calls a year, and around four per cent of those are time-critical emergencies. So there has been a significant number of calls being made to 000, tying up the communications centre on matters which could be dealt with elsewhere. It is a significant issue for the service. So the creation of Policelink, 131444—housed, by coincidence, in my electorate at Zillmere with Shared Services Queensland—provides an alternative phone number for non-urgent matters.

You may recall the advertising that was undertaken. For crimes that are in progress or for immediate threats to a person's wellbeing or life, of course 000 is always the recommended option. But for something which might have occurred the day before or which is not life-threatening or does not require a critical response, we are really encouraging the community to call 131444. That call will be answered by very skilled operators who, if necessary, will refer that on to police for an operational response or, as is occurring in many instances, provide the information or the guidance that that caller requires to help them address the issue they have raised.

Since the opening in August last year, the Policelink contact centre has received 918,874 calls. Obviously, since this has been printed there would have been more. There were about 919,000 calls handled by all lines. I do stress that it is not just the 131444 number that is managed at that centre; there is the HOON line, the general police communication lines for major events and Crime Stoppers. From August 2010 up until June this year there were, on the figures I have, over 230,000 calls made to the 131444 number. That is significant. That is demonstrating that the public is becoming aware of the ability to contact and inform police of their concerns or to report a crime without tying up 000 or without having to flick through the telephone pages to find their local police number. They can get a person directly on the end of the line 24 hours a day, seven days a week, 365 days a year to report a crime or their concern. That is significant. Of those 230,000 calls, more than 50,000 reports have been taken for incidents relating to things such as property damage, stealing, break and enters et cetera.

All in all, the early days are showing that the Policelink number is starting to penetrate into people's knowledge bank and they are using it. By way of additional information, the 13HOON number is also answered by the Policelink centre. It was launched in December last year. To date there have been a little over 3,000 calls received via that line. Obviously that number will eventually become more known in the community and more calls will come through that.

I go back to the original point and one of the key purposes for the 131444 number. It is intended to provide that non-urgent contact point for the community. A significant benefit of that will be taking pressure off the 000 call centres and, as I have indicated, around 430,000 calls are made to 000 a year of which only around four per cent are genuine life-threatening, critical emergencies. It is a good initiative.

**Mrs ATTWOOD:** Minister, Queensland's Task Force Argos continues to lead the way in the fight against organised paedophilia. Can you please outline to the committee how this task force is actually protecting our children from internet predators?

**Mr ROBERTS:** Task Force Argos, as you have outlined, is really all about fighting against organised paedophilia and organised activities to exploit children. Again, I want to take the opportunity to congratulate and recognise the exceptional work that is undertaken by the officers in Task Force Argos.

**Mr FOLEY:** Hear, hear!

**Mr ROBERTS:** I thank the members on the committee for that acknowledgement. They are world-class. They are recognised internationally. They have—and I will outline a couple of operations shortly—led major operations which have led to significant numbers of people involved in organised paedophilia being put behind bars in a number of countries. The evidence, the information and the activities of this task force have resulted in children being taken out of extremely harmful situations. I cannot do anything other than praise, at the highest level, the work that this group of officers does and, at the same time, recognise that they work in an exceptionally difficult environment.

Before I get on to some of the operations, as a part of recognising that, I advise the committee that practitioner exposure to this material obviously can be tremendously difficult. So the service, working with other police services across the country, is looking for ways to minimise the impact on officers who work in this very traumatic, difficult environment. That is happening through a range of measures. Obviously officers are monitored and supported in the role that they perform and are given breaks from time to time to ensure their capacity to continue this work is maintained.

Also, a very significant project has been developed nationally: the Australian National Victim Image Library. In July of this year the Ministerial Council for Police and Emergency Management approved the nationwide implementation of this image library. In the past, officers have had to physically examine awful images to identify children and perpetrators. This library will have very sophisticated technology which will enable analysis and identification through computer software to hopefully remove officers from that awful task of having to view some of the terrible exploitation and damage done to children. It is a really significant development. Queensland will be one of the first jurisdictions to use ANVIL, the Australian National Victim Image Library. The development of the project was led by officers in Task Force Argos. That, again, underscores and emphasises the professionalism and expertise of this group of officers in developing that software, obviously, in conjunction with other providers and services.

I will just touch on some of the achievements of the detectives. As at 1 May this year, Argos detectives had prosecuted 75 offenders this financial year on 272 charges. Some of the results include 25 children being removed from situations of harm and 102 national and international targets being referred to partner law enforcement agencies. Again emphasising the nature of the work, the internet is one of the areas where Task Force Argos focuses a lot of attention. It crosses all borders—national and international—and a lot of the work they are doing is picking up offenders in other states and other parts of the world who are obviously being referred on to those responsible agencies.

I will touch on one of the most significant operations, Operation Achilles that Task Force Argos led. That led to the infiltration and dismantling of an international child sex offender network and has been recognised again internationally for its achievements. In 2011 the Task Force Argos team involved in that project was named the winner of the annual International Law Enforcement Cybercrime Gold Award by the Society for the Policing of Cyberspace, which is a Canadian based organisation.

There are a number of other significant achievements which I could spend time outlining—and it probably deserves to happen—but again I want to reiterate that Task Force Argos and the Queensland Police Service, through the work of those dedicated officers, are recognised nationally and internationally as world leaders and are respected all over the world for the work they are doing. They are doing a great job, a difficult job, in helping to protect children in our community.

**CHAIR:** Have you been investing in increased police investigative capacity?

**Mr ROBERTS:** Yes. I thank the member again for that question. Police obviously are improving their detection and prosecution of crimes through a whole range of measures. Just to reiterate, Queensland Police Service has been very successful in reducing crime rates. There is a whole range of factors, including the resourcing, but ultimately it is all about investigative techniques and the commitment of officers to get out there, target criminals and bring them to justice. As I have said on many occasions in the parliament and publicly, Queensland Police Service has achieved over the last 10 years, from 2000-01 to 2009-10, a reduction in offences against the person of around 20 per cent

and a more than 40 per cent reduction in property offences. This is a significant achievement, and there has been a continued trend downwards in these crimes due to the investigative capability, professionalism and, indeed, obviously the resourcing that is provided to the service.

There have been a couple of significant additions to the capacity of the service to address crimes. One of the more significant was the passing of the new telecommunications interception legislation in mid-2009 which obviously provided both the Queensland Police Service and the CMC with powers to intercept telecommunications being used for criminal activity. Members may be aware—but I do not think many people in the community would be fully aware—that that includes landlines, mobile and internet. The powers now exist, once authority has been given by federal authorities, for police to intercept those communications.

One of the important differences between telecommunication intercept powers in Queensland and those in other states—and indeed my understanding is that we are unique in this regard—is that we have a significant role in the Public Interest Monitor to protect the interests of the Queensland public. So the Public Interest Monitor provides an independent oversight of both the application process for warrants, but it also provides an audit role to ensure that the Queensland Police Service is complying with the law to protect the interests of the people in the community. Since the commencement of the TI legislation, just following on from the Public Interest Monitor, there have been two internal audits conducted and inspections of the Queensland Police Service TI records identified 100 per cent compliance on both occasions. I think that is something that the service deserves credit for.

There is that need, as we have indicated, to have the Public Interest Monitor in the government's view to make sure we get the appropriate balance between the law enforcement objectives of the Queensland Police Service and ensuring that individuals' privacy is not unnecessarily breached in the pursuit of those other objectives. That is sometimes a very difficult balancing act that police face not only in the area of telephone intercept but also in a whole range of other activities.

The government has committed \$33.7 million over five years to establish a permanent telecommunications capacity for the service. At the moment the service is operating a smaller scale interim telecommunications interception arrangement in partnership with the Australian Crime Commission. The service will be establishing its own intercept capability with that funding. The contract for the procurement and implementation of the contemporary TI interception was signed in March. The money will also provide for a fit-out of accommodation and the establishment of a permanent staffing structure, and all of those major project phases are currently continuing.

In terms of the TI statistics, to date it has assisted in the arrest of 433 offenders on 2,168 charges that can be directly or related to the use of telephone intercept powers and has enabled and supported the recovery of \$8.5 million in drugs and property that have been seized and \$15 million restrained. So already through the use of those powers we are seeing that the Queensland Police Service is getting significant results, particularly in those more serious aspects of crime.

**CHAIR:** I call the honourable member for Mount Isa.

**Mrs KIERNAN:** Minister, the Service Delivery Statements state that the priority of the QPS is to target antisocial behaviour. The government recently legislated to enable the state-wide rollout of public nuisance ticketing. Would you please advise how this is progressing?

**Mr ROBERTS:** Thank you. This is an initiative which, from the feedback I have received from officers, has been very well received by officers on the beat. As we talked about earlier in relation to the drink-safe precincts, there has been I think an increasing intolerance of the community to some of the antisocial behaviour that we have seen in some of the more popular entertainment precincts. That is why the government has acted to fund drink-safe precincts and indeed support police in the enforcement action that they need to take. Beyond that as well, there is that general concern about some of the public nuisance activities of some individuals. So, following reports and a trial and a subsequent evaluation by Griffith University of the public infringement notice ticketing trial, the government has extended that power for police state-wide.

The issue is that this is an additional option for police in dealing with public nuisance offences. Police have still got the option to arrest an individual or issue a notice to appear, which will still occur. But one of the practical issues in terms of obviously arrest—and that will occur where it is required—is that many of these offences simply need to be recorded and people dealt with so police time can be focused on maintaining order in the particular precinct. So, where police choose to use the tickets, one of the benefits of that is that it does release police from the work that is required in relation to the court process.

One of the interesting findings of the Griffith University evaluation prior to the government making the decision about supporting public nuisance ticketing across the state was that around 46 per cent or nearly half of the people ticketed had no criminal history. So a fair number of the people who were involved in some of this antisocial behaviour are not—how will I put this—people who are regularly coming to the attention of police. There are some people who might have misbehaved on one occasion. One of the issues with arrest and/or notice to appear in court is that that person then has a record, which

in many instances can impact negatively on their future, whether it be for employment or indeed for travel. Whereas there would obviously be some community debate about the ability for police to more easily issue infringement notices—and this is something that will be monitored as part of the rollout—it does have some benefits in terms of removing people out of the criminal justice system if they can simply get a ticket, pay the fine and move on.

Interestingly, under the previous arrangement only a very small percentage of people challenged the tickets or the court notices to appear and the requirement to appear in court. So personally I believe—and I think the government also believes—this is a proactive step to enable police to deal with an issue in a very efficient manner. Of course if people still believe that they have a ticket issued inappropriately they do have the right to have that matter challenged.

The police have put in place a couple of mechanisms to ensure that officers use these powers appropriately. There will be a focused operational performance review process, and that is expected to take place or start in October this year—a themed operational performance review which will focus exclusively on public nuisance ticketing to make sure that, firstly, officers are using the powers appropriately. Also, other stakeholders will be invited to participate in that operational performance review, because one of the concerns of the community obviously is vulnerable people—whether they be young people, people with mental health issues, the Indigenous community who are overrepresented in public nuisance offences. But we need to make sure that the more efficient way of dealing with that does not impact adversely or unnecessarily. So an operational performance review will be undertaken to make sure that the powers are being used appropriately.

**CHAIR:** Minister, thank you for that. I now call the honourable member for Maryborough.

**Mr FOLEY:** Minister, there has been a great degree of adverse publicity surrounding the weapons licensing authority and the timely issue of permits to acquire, including newspaper reporting of one particular gun dealer who was significantly out of pocket in that he had sold the goods but had not been able to take the money for those sales—people obviously cannot pick them up without a permit to acquire. I am just wondering whether you could give me the current state of the backlog. What has been done? Obviously that is quite a concern to the industry, particularly how much that list has been brought down by the introduction of the new computer based system.

**Mr ROBERTS:** Thank you, member for Maryborough. This is a significant investment of the Queensland Police Service which will ultimately lead to a whole range of efficiencies in terms of dealing with weapons licensing issues, including the ability of many transactions which currently occur over the counter to be conducted online both by applicants and indeed by the industry.

The first stage of the implementation of the weapons licensing system commenced—and I stand to be corrected—around November last year. There was consultation with the industry sector before that because it was recognised that in the transition from the old system to the new system there would be a need to go offline for a period of time and that inevitably has led to some delays. Now, the Police Service communicated that. They have continued to engage with the industry on addressing the concerns that this has raised. There were a couple of other impacts on the implementation of the new system. Of course just after the implementation had started we had significant floods. That required the office of weapons licensing to temporarily stop processing for a while and officers from a whole range of areas in the police were required to actively engage in the response to the disasters.

The Police Service responded by putting on additional people to address the backlog—and we will get you some figures if we can on the current status. As I understand it—and I stand to be corrected—the equivalent of about 10 to 20 additional officers were placed in the area to assist in addressing the backlog. On the reports that I have been getting, that backlog has been substantially addressed. If I could just provide this detail: as of 11 July 2011, which is just a week ago, more than 16,750 permits to acquire have been finalised since the new system commenced last year. At the same time there were fewer than 1,600 permits to acquire that were outstanding on the new computer application system. These applications have primarily been received within the last three weeks, with over 650 in the last week alone. So, subject to being corrected, there are about 1,600 outstanding, but to my understanding that is pretty standard. It is not extraordinary in terms of the numbers. I might ask Mr Brown to make a few comments in terms of that specific issue.

**Mr Brown:** At the present time there are about 1,600 being processed through the system. We are anticipating at the moment an increase in the volume of permits to acquire given the seasonal trends. Additional staff will be brought on board to address that as they occur. There are a number of matters which do affect whether or not a permit is processed in a timely manner—the reason behind the permit is something that needs to be substantiated, the weapons not being in the possession of the holder of the firearm, maybe incomplete receipt details et cetera. So there are a number of processes that occur before the permit to acquire is issued.

**Mr FOLEY:** What you are saying is that there are always going to be permits coming and permits going. How would that figure of 1,600 relate to, say, 12 months before when you were on the manual system?

**Mr Brown:** I am unsure of that. All I do know is that in the last week we received about 600 additional permits to acquire. That is on a weekly basis. So we try to process them as quickly as we possibly can given the constraints we face.

**Mr ROBERTS:** If I can just add, member for Maryborough, that I have spoken with the people in the weapons licensing system on a number of occasions. I have been briefed on this issue. I am very conscious of the fact that there was an impact on some people. There was a delay in getting permits to acquire. We acknowledge that. But I will say this: the weapons licensing system staff have, I believe, a good relationship with the industry. They do a lot of work to develop those relationships. They understand that this is a business that people need to run. I am confident in the information that I have been given that all efforts have been made and the system is now operating and delivering, as we have indicated, a significant number of permits to acquire. But, in addition to that, the staff are very committed to supporting both the industry and those individuals who are applying for weapons licences and permits.

**Mr FOLEY:** Are they only sworn officers who process the permits to acquire or do you have regular administrative staff, non-commissioned staff?

**Mr ROBERTS:** It is a mix of officers, but there are a significant number of civilian staff in there as well.

**Mr FOLEY:** The question that was put to me is this: with that massive backlog that existed, why did you not bring in more people and basically run hard to bring that list down?

**Mr ROBERTS:** Well, they did. As I indicated earlier, my recollection, subject to being corrected, is that there were up to 20 additional people—I have been told that is correct—who were actually brought in to help address the backlog. No-one is denying that there was a backlog but it was communicated to the industry early that there would have to be a delay in transferring from the old to the new. It was exacerbated by the floods, where a lot of staff and particularly the weapons licensing was temporarily disrupted. This did add to whatever backlog would have occurred otherwise in the transition. Again, I want to say this: I am confident in the advice I have been given and the people I have met within weapons licensing have pulled out all stops to support the industry, to get people their permits and licences and to make sure that as much as humanly possible is being done to support the industry during this transition.

**Mr LANGBROEK:** Commissioner, can I ask you about the evade police provisions? I know you have expressed concerns about the current laws in the sense that the fines people are receiving are the equivalent of being on a mobile phone. Through the chair, can I ask: will you be making recommendations to the minister about potential criminal offences similar to Skye's law in New South Wales, given that from the CMC report the government have said that they are going to accept the Coroner's recommendations by 2011?

**Commissioner Atkinson:** I agree that this is a very important issue and certainly following the various reports—both the observations of the Coroner and the CMC in this area—it will be my intention to respond to those reports and recommendations to the minister for the consideration of the government. The final position of the service in terms of the penalty regime for the offence is not one that we have decided on. We acknowledge absolutely that ultimately it is a matter for the government of the day and the parliament of the day if there are to be increased penalties.

Might I say, though, that the current penalties are a \$20,000 fine, potentially absolute disqualification of a driver's licence and I think in default three years imprisonment so it is arguable that the penalty is in fact satisfactory. What we probably need to do is be more persuasive in the courts to perhaps have a penalty that is a deterrent. This is one matter where it is absolutely essential in my view that the penalty is a deterrent, so if the person is convicted of doing this—that is, evading police, and we are trying to avoid police pursuit at all costs—then the penalty in my view, and it is only my view, should be greater than what they would have received for what they would have been stopped for. If, for example, they had been drink driving and they chose to speed off from the police, then the penalty should be in excess of what the drink-driving penalty would have been, if that makes sense.

**Mr LANGBROEK:** Yes, thank you for that view because I think many Queenslanders would share that view as well. I want to move on with the few minutes left to ask about the Child Protection Offender Register. Commissioner, can you advise the committee how many officers per region are assigned to manage the more than 3,200 offenders currently on the register?

**Commissioner Atkinson:** We will look that up. We would have a brief on that.

**Mr LANGBROEK:** Can you take that on notice?

**Commissioner Atkinson:** While we are extracting the information brief on that matter, that occurs throughout the state and generally that is our Child Protection and Investigation Unit personnel. Currently, the approved strength for those officers throughout the state is 546. There are 16 vacancies so the actual strength throughout the state is 530. Generally speaking, with the Child Protection and Investigation Unit, depending on the number of persons locally on the register, one or two officers might be specifically assigned to monitor those people.

If you do not mind, I will ask Deputy Commissioner Ross Barnett to add to my comments about this because, again, this is an area where he has particular knowledge and expertise. What they do as well is assess them in terms of their level of risk to the community, and the degree of monitoring is adjusted in accordance with the level of risk to the community. Can I ask Deputy Commissioner Barnett, with your permission, to expand on that?

**Mr LANGBROEK:** Certainly.

**Deputy Commissioner Barnett:** The regions have adopted different management models based on various factors, including the geographical spread and the staffing dispersal. Some districts have assigned dedicated officers to undertake these duties, while other districts have appointed a single coordinator in their district. At a minimum, one experienced police officer is designated to monitor their reporting compliance within each district and to investigate and prosecute offences.

As you would be aware, the service announced in relation to the growth in the number of reportable offences the creation of eight new sergeant positions across the state and four AO4 intelligence officer positions within the Child Protection Offender Registry at police headquarters. In addition to that, at police headquarters itself, the current strength at the Child Protection Offender Registry is 16 and that is a combination of experienced detectives, administrative officers and intelligence officers.

**Mr LANGBROEK:** Thank you. Commissioner, has the service made any recommendations to government about making offenders on the register report more frequently?

**Commissioner Atkinson:** Not at this point in time. I think the current powers are adequate. Certainly, though, we would have no hesitation if we felt we needed additional legislative powers to seek those, but at this point in time to my knowledge we have not done that.

**Mr LANGBROEK:** Thank you. There was significant exposure of more than 1,000 breaches of this register only a couple of weeks ago, so therefore I ask whether the legislation is strong enough if we are having that number of breaches.

**Commissioner Atkinson:** Again, I will ask Deputy Commissioner Barnett to comment. But, with respect to that, it is also arguably indicative that the system is working in terms of the detection rate. Do you mind if I ask Mr Barnett to comment?

**Mr LANGBROEK:** Certainly.

**Deputy Commissioner Barnett:** For the record, since the act came in on 1 January there have been 1,889 breaches against the act that have resulted in reportable offenders being arrested, issued with notices to appear or cautioned by police. So there has been and will continue to be significant monitoring of compliance with the act across the state on an unscheduled basis. That is done on the basis of the risk assessment of the individuals concerned. We are confident that the regime that we have in place is identifying breaches where they occur.

**Mr ROBERTS:** Can I add something to that.

**Mr LANGBROEK:** Just briefly, Minister. Please do not go for six minutes.

**Mr ROBERTS:** No, I will not. I just want to say that there has been a lot of political debate about the number of breaches and I will allow the commissioner and the deputy commissioner to speak for themselves, but what this indicates—and this is both with this regime and the dangerous prisoner regime—is that we give these people no quarter. I will give an example where I had a member of parliament write to me in a sense making representation on behalf of their constituent where police had done the following. This person who was on the register came to their attention in December of the particular year, a few weeks before their annual reporting date. This person failed to report three weeks later on their annual reporting date, were breached and were taken before the court. I just use that as an example. The fact that the police had contact with this individual three weeks before did not remove the obligation to report the following month, and the fact that they did not and they argued and the member of parliament argued that that was being a bit harsh shows that police give these people no quarter and they breach them.

So this level of breaches, in my view, I think arguably demonstrates that police are proactively out there keeping these people in line. That is the point I would like to make. Of course, you are aware that we made significant amendments to the act in the last few months as well.

**Mr LANGBROEK:** Thanks, Minister. Commissioner, do police have the power to enter an offender's home who is on the register and inspect computers and mobile phones?

**Commissioner Atkinson:** Under certain circumstances, clearly. Again, I will get Mr Barnett to comment. Obviously, in my view, there would need to be some grounds to do that, despite the fact that the person would be on the register. Do you mind if I ask Mr Barnett to comment?

**Mr LANGBROEK:** Not at all.

**Deputy Commissioner Barnett:** That would require some information being made available to police to suspect that some activity may be occurring.

**Mr LANGBROEK:** Okay. Commissioner, how many random checks at offenders' residences were done last financial year?

**Commissioner Atkinson:** I do not know whether we actually keep statistics because, as has been indicated, there are quite a few people on the register—in fact, 3,780—and we have got 546 Child Protection and Investigation Unit officers out there. If the offender is a low risk in our categorisation, then the check might be a phone call. If the offender is regarded as high risk, then it might involve some quite sophisticated activity including surveillance so it would be difficult to identify precisely how many checks were made. Again, can I ask Mr Barnett to comment?

**Mr LANGBROEK:** Yes.

**Deputy Commissioner Barnett:** We do not keep a record of the actual number of compliance checks conducted annually across the entire state. As the commissioner said, the status of the individual is graduated depending on their risk. The Child Protection Offender Registry staff travel around the state in consultation with the local regions and do a number of spontaneous random checks of serious offenders. The districts also do that off their own bat. It is a very high priority that is identified by each and every district around the state to ensure close management of these offenders. They do not suffer from a lack of attention.

**Mr LANGBROEK:** Thank you. Commissioner, has there been any additional money allocated this financial year to the management of the Child Protection Offender Register?

**Commissioner Atkinson:** Yes.

**Mr LANGBROEK:** I note that a review of the register was done by Griffith University. Could you advise the committee what recommendations were made and how many have been implemented?

**Commissioner Atkinson:** No, but I can take the question on notice with the minister's permission and get back to you.

**Mr LANGBROEK:** Minister, are you happy to have that taken on notice?

**Mr ROBERTS:** Which report are you referring to?

**Mr LANGBROEK:** A review of the Child Protection Offender Register.

**Mr ROBERTS:** I am happy to have a look at that report and get back to you. I just make the point that police ministers nationally have sought to do one particular thing, and that is to increase the regime which monitors these offenders and also maintain consistency. Recently, there was a police ministers ministerial council decision to maintain that consistency and the internal analysis of the legislation conducted by Queensland police are the basis of the bill which I took to the parliament.

I am happy to look at that report and get back to you with some answer as to whether those recommendations were considered or considered worthy of pursuit. The regime we put in place has significantly strengthened the capacity of police to monitor and increase the obligations on these offenders.

**Mr LANGBROEK:** Thank you. Mr Chair, do you want to have a government question? I have another question.

**CHAIR:** Go ahead.

**Mr LANGBROEK:** I suppose it is a bit sensitive, Commissioner. Can you advise how many sex offenders from interstate have come to Queensland in the last year and are now on our register? Do we monitor that?

**Commissioner Atkinson:** No. I will have Mr Barnett confirm that. In our contemporary society, there is a fair degree of movement interstate so whilst we would have people obviously who come here from interstate equally people who are on the register from Queensland would travel interstate as well. I will just ask Mr Barnett to comment. We have the raw number of 3,780 and obviously as people are released from prison those numbers will grow. That is inevitable, but I do not know that we keep a record of the interstate movement.

**Deputy Commissioner Barnett:** As the commissioner said, there are regular movements across the states. A careful investigation of the records on the register would probably reveal the numbers who have transferred in from other jurisdictions if that is required.

**Mr LANGBROEK:** But, Commissioner, there is no relationship between the states where police services will advise other states that there is this movement going on—in other words, if they have registers, they then are tracking those particular offenders and if they were to move interstate that would be something that I would have thought, through a cross-border issue, we would expect to be relayed from one state to another.

**Commissioner Atkinson:** Yes, there is an excellent level of cooperation between the jurisdictions nationally in respect of this area and I think the public can have absolute confidence in that level of cooperation. Mr Barnett's point was that, in terms of statistical data, that could probably be obtained from the database, because clearly someone who moves interstate is required to register on our database. But just thinking that through a bit further, that would probably require a national database which would simply overlay and replicate what is happening at a state level.

**Mr LANGBROEK:** Thanks, Mr Chair.

**CHAIR:** We have one minute before the time expires for this session. Have honourable members exhausted their questions for the police?

**Mr LANGBROEK:** No, Mr Chair, I have not, but I do not expect to get an answer with one minute to go.

**CHAIR:** Do you have any questions that you would like to put on notice?


**Mr LANGBROEK:** No. The minister has been very kind in taking many questions on notice.

**CHAIR:** The time having expired for this session, may I thank Hansard staff, may I thank Parliament House staff and may I thank the minister and his departmental staff for their assistance to the committee. May I on behalf of all members of the committee especially thank you, Commissioner, and sworn officers. Police are unique in government service in that they sign up on the basis that they are willingly putting their lives on the line to protect the rest of society. We all recognise that unique commitment and we thank you. Minister.

**Mr ROBERTS:** Thank you, Mr Chairman. If I could also just take the opportunity to thank the committee for this part of the proceedings, and I will hopefully get the opportunity at the end to do that a little further. I also recognise all of the officers who are here today and those officers and staff who have spent a considerable amount of time in preparation for estimates. I think the committee would be aware of the importance of these proceedings. What is not well recognised by a lot of people is that there is a lot of effort that goes into preparation, and that is something which the staff take very seriously. As minister, I am very appreciative of the efforts that they put in to keeping me well informed of the issues on which I could possibly be questioned here today. So I thank them sincerely for that.

**CHAIR:** The chair will be resumed at one minute past seven.

#### **Proceedings suspended from 6.32 pm to 7.02 pm**

 **CHAIR:** Ladies and gentlemen, I welcome the members of the executive arm of government who have just arrived here at Queensland's legislature. We thank you for your attendance at this hearing of the estimates committee. Minister, welcome back. To my right we have the honourable member for Mount Ommaney and the honourable member for Mount Isa and to my left the honourable member for Surfers Paradise, the honourable member for Kawana and the honourable member for Maryborough. I am the member for Murrumba. Welcome. The estimates hearing of the Legal Affairs, Police, Corrective Services and Emergency Services Committee is now resumed. We took a decision that the minister would be invited to make an introductory remark. If you wish to do so, please do so now.

**Mr ROBERTS:** Thank you, Mr Chairman. In accordance with your request at the outset of the previous hearing, I might introduce all of those people at the table, even though I am sure most members are aware who they are: Director-General Jim McGowan; the recently appointed Commissioner for Ambulance, Russell Bowles; EMQ Assistant Director-General Bruce Grady; Mr Lee Johnson, Commissioner for Fire and Rescue; and Kelvin Anderson, Commissioner for Queensland Corrective Services.

Before discussing the appropriations for the Department of Community Safety for 2011-12, I again would like to take the opportunity to recognise the commendable efforts of the Department of Community Safety staff and volunteers. As members would be aware, earlier this year Queensland endured arguably the most intense period of natural disaster in its recent history. Widespread flooding across a vast area of the state combined with two cyclones, one of them amongst the most intense cyclones in the state's history, caused massive damage and impact on individuals, businesses and the community.

Front and centre in the state's response to these natural disasters were the staff and volunteers from the various agencies that make up the Department of Community Safety: Emergency Management Queensland, the Queensland Fire and Rescue Service, the Queensland Ambulance Service and Queensland Corrective Services. I again place on the public record the thanks of all Queenslanders to these dedicated and hardworking staff and volunteers for their work in responding to and assisting with the recovery from these disasters, as well as the work they do day in, day out to help keep our communities safe.

The department's 2011-12 budget supports the work of our staff and volunteers and the work that they undertake to protect our community. More than \$2 billion will be spent over the next 12 months on more front-line officers, more emergency services vehicles and new and refurbished facilities and



technology. The budget includes funding for 19 new or redeveloped ambulance stations, 14 new or redeveloped fire stations as well as 50 additional ambulance officers, 140 new or replacement ambulance vehicles and 49 new and replacement urban and rural fire appliances.

The budget also continues the expansion and refurbishment program underway within the state's correctional centres. As I have announced recently, the new Southern Queensland Correctional Centre at Spring Creek near Gatton will accept its first male prisoners early next year, allowing for a reorganisation of prison assets which will include the temporary mothballing of Borallon jail and expansion of low-security female cells at Numinbah and Townsville. Another important aspect in the reorganisation is the opportunity to increase the number of suicide-resistant cells in use in Queensland, from 78 per cent currently to around 92 per cent by 2013.

The budget also includes \$13.7 million over four years to introduce global positioning system technology for the monitoring and tracking of offenders on continuing supervision orders under the Dangerous Prisoners (Sexual Offenders) Act 2003. There is also funding for a new disaster management warehouse in North Queensland, a new \$6.9 million all-hazards information management program which will provide accessible, relevant and up-to-date information to enhance situational awareness during disasters, and more disaster management supplies. With those few comments, I look forward to answering the committee's questions.

**CHAIR:** I call the honourable member for Surfers Paradise.

**Mr LANGBROEK:** Thank you, Mr Chairman. I welcome the director-general to his final estimates before he retires and also the other departmental officers for attending today. We appreciate you attending this estimates committee hearing. My first question to the director-general relates to the answer to non-government question on notice No. 15 relating to random drug tests that are being conducted. Director-General, I note that answer (b) said that nearly 4,000 urine tests tested positive in 2009-10 and now it is 6,563 in 2010-11. I ask the director-general if he could comment about this extremely high rate of people in the probation system, and I will come to that in a moment. We might be better at detecting it, Director-General, but what are we doing about the fact that there is clearly a major drug problem out there amongst people in this system?

**Mr McGowan:** I think the other part of that answer relates to the first question, that we actually are testing another 5,000 people or have had another 5,000 tests done this time. The situation is as you describe it. There is a significant increase. That has been put down to a more sophisticated level of intelligence and targeting of probation and parole offenders. We are keen to make sure that that targeted testing continues in order that people who are on probation and parole are in fact required to adhere to increasingly higher standards.

**Mr LANGBROEK:** Thank you. My next question is again to the director-general about the answer to non-government question on notice No. 18. In that question we ask about case loads. By my mathematics, there are about 14,000 offenders who have been in the probation and parole system. When I tie that then to the previous answer, which is that we have 6,563 testing positive, I would like the director-general to again comment to the committee about the concerns that I certainly have that we have this massive number of positive tests from 14,000 offenders in the parole and probation system.

**Mr McGowan:** I think the figure is probably marginally higher than that—about 15,000—but nevertheless the point is correct. The answer to that is that there are people who are offending on more than one occasion and those people are then subject to other regimes, including the warning stuff to court action in certain circumstances.

**Mr LANGBROEK:** I suppose my question to the director-general is this: what else do we need to do about these offenders and these high rates of recidivism with respect to use of illicit substances? These people are now in this system, but obviously the effects of these substances may cause them to reoffend in other ways as well. Are there recommendations that the director-general may make to the minister about legislative changes that we should be making to try to modify their behaviour?

**Mr McGowan:** I think we need to recognise that these people are in fact people who have offended against the normal social mores. That then creates, I guess, a challenge for all probation and parole people or staff who work particularly hard under difficult circumstances to maintain the service. The most recent experience in relation to that is that the Auditor-General actually looked at the community corrections and in fact indicated a high level of confidence in the system that is in place. There is always more to do and we need to address this, but in fact I think the reality around this is that our professional staff are doing a pretty good job in identifying people who are potential offenders and subjecting them to the tests that they are.

**Mr LANGBROEK:** Thank you. Mr Chairman, I have a series of questions now for Corrective Services, just so the departmental officers are aware, but I will come to some Emergency Services questions later. I have a block of questions here that I will direct mainly to the director-general. Can I ask the director-general about the statistics for assaults on staff at centres such as Townsville, Lotus Glen, Brisbane Women's and Brisbane men's. They have all experienced fourfold increases compared to two years ago. In fact, two years ago there were about 16 assaults on staff in the year; now it is 67 up to 31

March. I know that staff are placing the blame squarely on the soft discipline system that has been implemented, and I ask the director-general whether he has made submissions to the minister to change the legislation to better protect the staff.

**Mr McGowan:** I think the legislation is a policy question that can be addressed by the minister in respect of that.

**Mr LANGBROEK:** But, with respect, you can make recommendations.

**Mr McGowan:** We could. I think the reality is for our staff any assault—one assault—is too many. That is true. In 2005 the Criminal Code was amended to create a specific offence related to assaults on Corrective Services officers. In general terms when people offend of that nature there is an increase in the jail term that they have.

However problematic assaults are, I guess the Report on Government Services does indicate that the rate of assault in Queensland prisons is actually significantly less than the national average. I am not using that as an excuse, but I think it is relevant to the work that correctional staff do in terms of maintaining a level of discipline. The issue of whether or not the regime is hard enough, which I think you also asked—the discipline regime against people who offend is harsh enough—we were again subject in Corrective Services to an inquiry by the Auditor-General, or Ombudsman. I think perhaps it was the Ombudsman in relation to discipline. Discipline was previously the sojourn of a lower level of officer than is currently the case. The Auditor-General said, 'There needs to be greater consistency. That consistency needs to be managed at a higher level.' We have introduced those procedures in accordance with the Ombudsman's recommendations around that.

While I understand that some of our staff are critical of the range of discipline, I suspect that will always be the case regardless. But we are, in fact, attempting to implement the recommendations of the Ombudsman to provide greater consistency across all correctional centres in how discipline occurs for people who are guilty of assault. But I have to say as director-general that I am not happy that our people are subjected to assaults. I think that is regrettable. Again, however, the nature of the clientele that our people deal with—and I have significant sympathy for them—is that these people are often there for violent crimes. The management of our staff is such that, in all the numbers we have, the proportion of people who are guilty or who commit these assaults is very low, which I think is a testament to the tightening of the arrangements that have occurred within the correctional system. But if you ask me, again, I would say one assault is too many.

**Mr LANGBROEK:** Thank you, director-general. My next question, again to the director-general, is about major assaults on prisoners by other prisoners. Up to 31 March, can he confirm that there were 35 major assaults on prisoners by other prisoners—well above the planned rate for 2010-11? Is it not true that Maryborough prison with eight and Capricornia with six both had the highest number of major assaults on prisoners?

**Mr McGowan:** I do not have those exact numbers right in front of me but, accepting that those statistics are right, the two that you identify as more significant, Maryborough and—

**Mr LANGBROEK:** Capricornia.

**Mr McGowan:** I am not sure of the specific reasons in relation to why they are higher. These are very difficult statistical arrangements to come to when you have relatively low numbers. A couple of assaults can change significantly the relative proportion of assaults in those cases.

**Mr LANGBROEK:** Okay. Director-General, could I ask about contraband. For example, in the month of January 2011 I would ask if you could confirm for the committee that drug related contraband topped 60 items, or 62 per cent of all contraband found with 18 per cent of that including syringes. I also ask whether the pattern of contraband that has been located is increasing or decreasing? Certainly, I think all the members of the committee would share our concerns about the amount of drug contraband, including syringes, being found.

**Mr McGowan:** I might ask if it is okay for the Commissioner for Corrective Services to answer that question because, again, I do not have the specific detail of that in front of me.

**Commissioner Anderson:** It is true that we have a zero tolerance approach to contraband in prisons. We do not want contraband in prisons. In fact, there is on our website now the QCS drug and alcohol policy, which takes that approach. We have a series of rolling searches that we do both of facilities and targeted searches for car parks and for visitors to the centre. Anybody who has been to one of our centres knows the extensive sets of security that you need to go through to get into a facility. But all that only tests the ingenuity of prisoners to try to get contraband in. Every day we are trying to be one step ahead of them. In fact, at the new prison at Gatton we have introduced a body scanning device, which I think will lead the world. It will show if there is any contraband on the person entering the facility. It will do that in a way that protects an individual's privacy. But all the same it is another example of how we are going to extraordinary lengths to try to prevent contraband coming into the system.

The truth is that our perimeters are our weakest point in that things can be thrown over, things can come in on visitors and we regularly intercept visitors with contraband on them. We try to back that system up with a very detailed intelligence security system. Each location has their intelligence officers.

There is a central team that coordinates the effort across the state. We record all telephone calls by prisoners. So that gives us a tremendous amount of intelligence in which we can target these particular searches and particularly those searches of people coming into our facilities.

All that said, we are still distressed that contraband comes into our facilities. In fact, some of the contraband that comes into prison is not the kind of contraband which is a preferred method of drug use in the community. It has its own unique kind of circumstance and characteristics and that is because of the culture that develops within prison.

**Mr LANGBROEK:** Thank you, Commissioner. Yes, I think I saw elements of that when I visited Arthur Gorrie and then Borallon, where I saw one of these special chairs that they have for detecting contraband. With that reference to Borallon, my question is now to the minister about the Borallon prison precinct. Can I ask the minister to advise the committee about the total value of the Borallon prison precinct? Have there been preliminary amounts offered by the federal government for the centre to be used as a refugee or immigration detention centre?

**Mr ROBERTS:** In relation to the issue of immigration centres, the federal government has approached and has had discussions with the state government, particularly through my department through senior officers, on that issue. However, as both the Premier and I have made clear on a number of occasions there is no commitment, there is no agreement, there is no formal proposal that has actually been put on the table. But I do acknowledge—and there has been no secret about this—there have been discussions.

In terms of the question about the value of Borallon, I do not know the answer to that question. It could be something that I could get you a rough figure for.

**Mr LANGBROEK:** Thank you, I would appreciate that.

**Mr ROBERTS:** The thrust of your question relates to the use of Borallon. I am happy to answer any further questions, which I am sure you will ask. But while I have the microphone, I might just touch on issues that you raised with the director-general a moment ago about assaults. I think that everyone in this room on both sides of the House, and indeed within the department, take a very serious approach and are very concerned about any assault that occurs on a staff member or, indeed, between prisoners. We do not want violence to occur within our prisons. However, history will show that whether it is in Queensland, New South Wales, Victoria, the United Kingdom or anywhere in the world, these are difficult environments where violence occurs. The member has sought to outline some figures and statistics about assaults. Yes, there have been, compared to the year before last and this year, a slight increase in the number of assaults. It is unacceptable to have one assault, as the director-general indicated, but let me say this: over the past decade or so through professional management by Queensland Corrective Services putting the interest, the safety and wellbeing of staff, and indeed the community, as the highest priority the rate of assaults has decreased. If I can just use an example of when the member's party was last in government in 1997-98, the rate of serious assault—

**Mr LANGBROEK:** With respect, Mr Chairman, point of order—

**Mr ROBERTS:** The rate of serious assaults against staff was 0.3 per 100 and non-serious—

**CHAIR:** Excuse me, Minister, we have a point of order.

**Mr LANGBROEK:** I am happy to have the minister provide some context to an answer to a question that was not asked to him, but I would ask that it be short so that we can get to some more questions. He does not need to make political points to me.

**Mr ROBERTS:** I will be very short.

**CHAIR:** Sorry?

**Mr ROBERTS:** I will be very short, because the figures speak for themselves.

**CHAIR:** Can I just rule on the point of order. You can certainly ask the minister that but your happiness is not a point of order. So the minister's brevity cannot be compelled.

**Mr LANGBROEK:** No, the question was not to the minister. The minister has jumped in there to say that he wants to add something to something I have asked the director-general. I have been happy to allow the minister to have some leeway there, but in the last session when we had some 10-minute answers. With the shortened time, I just respectfully ask that there be a brief answer without the politics.

**CHAIR:** But the minister has acceded to your request. It is just that I cannot rule on a point of order to the effect that the minister has to speak briefly. But you asked the minister nicely if he would be brief and he said nicely—

**Mr LANGBROEK:** That he will be.

**CHAIR:** That he will be brief. The only element of discord is that we are having a debate about a point of order. Could I suggest that we let the minister continue and just see what happens.

**Mr LANGBROEK:** Sure.

**Mr ROBERTS:** Thank you. I just want to put some figures on the record. As I have indicated—and I am not challenging the member's genuineness here; we are all concerned about any staff member who is assaulted because these are our employees and we want them to be safe—the record shows that there has been a significant reduction over time in assault rates on staff and, indeed, across-the-board. Queensland's assault rates in prisons compare very favourably—in fact, in a positive way—with interstate. So let me put the figures on the record. In 1997-98—the last year your party was in government—serious assaults, 0.3 per 100, or 13 actual assaults; non-serious, 1.16 per 100. In 2009—last year—the rate was 0.07, or four assaults on officers. So a decade or so ago there were 13. With many more prisoners, there were four last year. There was, in fact, one more serious assault this year than last year but, because of the low numbers, that has a significant impact on the rate. In terms of non-serious, in 2009-10, 0.43 compared to 1.16 per 100 in 1997-98. The issue I am making is that the rates are coming down. They do fluctuate. Any assault is unacceptable.

In terms of the total value of Borallon, member for Surfers Paradise, I am advised that the net book value in an accounting sense is \$64 million. Whether that is an actual reflection on its real value as a physical asset I will allow others—

**Mr LANGBROEK:** That is the \$64 million question. Thank you for that. Can I ask whether the member for Ipswich West, the member for Bundamba or the member for Ipswich have made representations to you to object on behalf of all Ipswich residents about the potential for having an immigration detention centre forced on them?

**Mr ROBERTS:** The issue is there is no decision to force anything on anyone.

**Mr LANGBROEK:** But it looks like we are heading there.

**Mr ROBERTS:** As I have indicated, and the Premier has indicated, there have been discussions and approaches between the state government and the federal government to discuss this issue. However, no decision has been made. No formal offer has been put on the table. There have been discussions and whether the federal government wishes to pursue that matter is ultimately a matter for them. I just add in another element, which is that the decisions that the government has taken in relation to Borallon and the prison at Spring Creek are absolutely separate and unrelated to any approach that the federal government might make about the use of Borallon. The decisions about Borallon and its future and Spring Creek at Gatton were made independently of any issue that had been raised by the federal government.

**Mr LANGBROEK:** Okay.

**Mr ROBERTS:** In answer to your specific question about the members in the area, the local member who directly represents that constituency is the member for Ipswich West, Wayne Wendt. He has raised issues with me on behalf of his community. I have briefed him on the government's decision. Obviously, as a local member, he will represent the interests of his constituents should that issue arise as something which the federal government wishes to pursue.

**Mr LANGBROEK:** Just a couple of more questions—with your approval, of course, Mr Chairman, before we move to government questions—to the director-general about a couple of specific incidents. Can the director-general confirm that there was a brutal bashing of a prisoner, who was beaten with a sock full of rocks at the Woodford Correctional Centre on 27 June 2011? And if so, why has no prisoner been charged?

**Mr McGowan:** I believe there was an assault of that nature, but I will pass over to the commissioner in terms of what has transpired since that occurred.

**Commissioner Anderson:** I do not have the most up-to-date police investigation report, but I can explain the process that we go through. Where there is an assault, that matter is referred to a group of police that are attached to our service and they take the investigation on. In this particular case, at least initially and at my last briefing, we could not find a motive for the assault and, in fact, that may have been a case of mistaken identity even. However, that investigation will now be moved over to the police. I can track the progress of that matter, but that is just a police investigation now.

**Mr LANGBROEK:** There is another incident that I would like to ask the director-general about. Can the director-general confirm that there was a major riot that occurred in the P3 unit of the Woodford prison that took 30 officers, riot squad and dogs and the threat of gas to bring it under control? Why has no prisoner been charged with rioting as a consequence of this?

**Mr McGowan:** Again, I will pass that to the commissioner because I am not aware of that level of detail.

**Commissioner Anderson:** I wonder if you might have a date or something that might get me closer to that matter?

**Mr LANGBROEK:** I just know this was an allegation that has been made to me very recently and so I thought I would put it to you as I did the last one.

**Commissioner Anderson:** Can I take that on notice and we will do some work and look through our intel?

**Mr LANGBROEK:** Minister, can I have your permission to have that taken on notice, please?

**Mr ROBERTS:** Yes. We can make some inquiries about that matter, yes.

**CHAIR:** The member for Surfers Paradise is referring to the fact that only the minister can take a question on notice. The committee cannot require an executive to take a question on notice.

**Mr ROBERTS:** I will say, however—the member has said that an allegation has been made to him—that a little bit more detail would have been helpful. If the member is able to provide more detail in relation to the allegation, that would expedite any inquiry that QCS needs to make.

**Mr BLEIJIE:** I am sure the police minister's resources would be able to track down a riot because I wouldn't imagine they happen every day.

**Mr ROBERTS:** They do not, because Queensland Corrective Services manages the facilities and the prisoners very well.

**Mr LANGBROEK:** Can I ask one final question about the potential for an immigrant detention centre at Borallon?

**CHAIR:** That is a logical necessity. It is only possible ever to ask one final question.

**Mr LANGBROEK:** The *Queensland Times* conducted a poll with the result that 70 per cent of the residents of Ipswich do not want one of these immigrant detention centres forced upon them. I have been to Borallon. It is well maintained. I think it is our oldest facility. One would not know that it is there almost, yet when we see what has happened with immigrant detention centres throughout the country I think it is obvious that the people of Ipswich and the people of Queensland would have considerable disquiet about the potential for what could happen should it be placed there. I ask whether you, the minister, have given any consideration to the fact that the people of Ipswich do not want it there and I do not think the people of Queensland will, either?

**Mr ROBERTS:** As I think I have said, and indeed the Premier has said on a number of occasions, there have been discussions. The federal government have obviously been looking to establish detention centres in a range of areas. They established one in Far North Queensland, in the cape. They have certainly approached and have had discussions with my department about this issue. But I just reiterate: no decision has been made and no formal proposal is on the table. Of course, if a formal proposal is ever put—and that is a question that needs to be put to federal government ultimately about whether they actually wish to pursue this issue—then obviously there would need to be a level of community consultation and discussion about this issue and that would occur at that time. But I just reiterate that, yes, discussions have taken place but there has been no agreement, no decision and no commitment, and at this point there is no formal proposal on the table for the federal government to take over that facility.

**Mr LANGBROEK:** Can I advise you that the riot that was alleged to have happened was about 3½ months ago.

**Mr ROBERTS:** Thank you.

**CHAIR:** Thank you, member for Surfers Paradise. I call the honourable member for Mount Ommaney.

**Mrs ATTWOOD:** I am going to move on to the capital works program and ask the minister if he can outline the performance of the Department of Community Safety in relation to meeting its expenditure targets in 2010-11. You may be able to also talk about Gatton and the new probation and parole facilities.

**Mr ROBERTS:** Thank you for that question. It is an important question because the Department of Community Safety has performed, in my view, exceptionally well in terms of delivering its capital works program. In that regard, whereas we do have a new person heading up the team, I did want to pay credit to Paul Hobbs, who has now moved into a role in Emergency Management Queensland, for the excellent work he has done over the last couple of years in driving this program and also recognise Queensland Corrective Services, who drive their own program, for the work that has been undertaken there.

In 2010-11, the department capital budget was \$303.479 million. As at 30 June \$310.953 million had been spent. Again, that is an excellent result, particularly given the natural disasters and excessive rainfall and disruption that has occurred across Queensland for the last few months, for the department to reach that milestone.

In terms of Queensland Corrective Services, the published total actual capital expenditure was \$190.21 million against a published budget of \$189.477 million. That included significant progress on the Southern Queensland correctional precinct at Spring Creek and also Lotus Glen Correctional Centre. Some of the other achievements of Queensland Corrective Services in terms of computer

systems are: an upgrade to the Integrated Offender Management System; a new prisoner trust account system—there is a trial underway; and a biometric identification system for low-risk offenders in eight probation and parole locations. There is also a welding workshop at Woodford, and so on it goes.

Queensland Fire and Rescue Service—again, a good record—estimates a total actual capital expenditure of \$35.453 million against the published budget of \$34.734 million. Of the 11 building projects, three were completed—at Agnes Water, Pullenvale and Toowoomba. Construction at Craignish is well underway and phased into 2011-12, as originally planned, and a number of other projects are progressing well.

Queensland Ambulance Service estimates a total actual capital expenditure of \$48.075 million against a published budget of \$51.856 million. Seven ambulance facilities were completed at a range of locations including Ashgrove, Ipswich, Jimboomba et cetera. Construction is well underway on another seven, and the department also purchased staff housing in a number of the coal areas—Blackwater, Capella, Carmila, Meandarra and in the Surat and Bowen basins.

In terms of joint Emergency Services projects, there was \$29 million expenditure against a budget of a bit over \$20 million. There was actually, as you would see, a significant overspend there. That basically related to several works packages for the Queensland Emergency Operations Centre project being rescheduled from the previous year into this last financial year. EMQ spent \$8 million against a budget of \$6.6 million and there were some adjustments and deferrals that resulted in that overspend.

I think the simple message from relaying very quickly those figures is that this has been a significant capital works program. These are complex matters. There are lots of issues. Things go wrong. There are issues which interfere with the progress of projects, not just natural events: negotiations about land et cetera. Again, I just want to give credit to the capital works teams within both Queensland Corrective Services and, indeed, the broader department for the great work that they have done in driving the completion and continuation of these very significant projects.

**CHAIR:** Before I call the member for Mount Isa, I will be leaving the room momentarily to address an administrative detail relating to the committee and I will ask the deputy chair, the member for Surfers Paradise, to take over. Member for Mount Isa?

**Mrs KIERNAN:** Minister, in an earlier session we spoke of the role of the police in respect to our cyclones and floods earlier this year. We recognised at that time the role that the Police Service played but also recognised the response from the many agencies during these disasters. It demonstrated a real spirit and determination, I think, when Queenslanders were confronted with unprecedented events such as this—how so many people, and strangers in fact, pulled together. Emergency services staff and volunteers, as we all know, were at the forefront of this response. Can you advise the committee of the role of the Department of Community Safety staff during these events?

**Mr ROBERTS:** I thank you for the question. Again, it is just another opportunity to place on the record the appreciation that I have, and I know all members of the committee and, indeed, all Queenslanders have, for the work that our emergency services agencies undertook, and all of the agencies in the Department of Community Safety, in responding to the needs of Queenslanders during their hour of need. In saying that, I am obviously referring to organisations such as Emergency Management Queensland, Queensland Fire and Rescue Service and the Ambulance Service, which are right at the front line. But Queensland Corrective Services officers also played a significant role in obviously making sure that our prisons remained secure in some very difficult environments and exploring the potential for prisoners to be moved if disaster struck. In addition to that, they have undertaken some of the recovery work—clean up et cetera—through the use of prisoners in low-security prisons and also on probation and parole. So I just collectively thank everyone, both the staff and the volunteers, for what was a magnificent effort all round—very professional, very focused and dedicated and something which I am tremendously proud of for the work that they have done.

As I indicated earlier, the Disaster Management Act was significantly amended and came into operation in November last year. It redefined in many respects the role of the Queensland Police Service and EMQ in an operational sense for major disasters. In my view, EMQ would stand equal to or, indeed, head and shoulders above any emergency management organisation in the world in terms of their capabilities and skills. The combination of that expertise with the capacity and expertise of the officers of the Queensland Police Service who are involved in disaster management I think is something that we should be very proud of. I know from reading and hearing of commentary from international visitors that they recognise that expertise as well.

There were hundreds of staff within the department who contributed. Of course, EMQ staff were absolutely at the front line. That is their role. That is what they train for. That is what they work to on a day-to-day basis, and we do recognise the significant roles they played in the State Disaster Coordination Centre and, indeed, out in the regions supporting local disaster management groups and district groups and so on. We also, of course, recognise the great and heroic work of our EMQ helicopter rescue crews, who have been internationally recognised for their bravery and their expertise in rescuing people in the Lockyer Valley and other places. I have some detail here of the number of hours, but it is

just hundreds of people, both staff and of course the SES—a couple of thousand deployments of SES volunteers and Rural Fire Service volunteers across the state—in what was a magnificent effort all round. We cannot thank them enough.

I have spoken about EMQ. The Queensland Fire and Rescue Service also brought significant skills and contributions to the response and recovery effort. In particular, Queensland Fire and Rescue Service officers delivered what was very public and visible: the swift water rescue crews that were deployed across the state. There were 457 water related rescues during that period by very highly skilled, very brave officers who were working in very dangerous conditions. They put their lives at risk to rescue and support people in need.

QFRS officers also delivered a service that is getting significant recognition nationally and, I think, interest internationally, which is rapid damage assessment. No disaster response can be effective without good accurate and up-to-date information. In fact, that is the significant reason why we are investing heavily in the All Hazards Management Information Program, which I might get a chance to talk about later. It is about getting people in there with the expertise and the technology to identify what the damage is and getting it back to the disaster groups that can then make decisions about what resources are needed. QFRS played a really significant role in gathering that information.

Also, QFRS was involved in supplying the flexible habitat shelter. In a sense, this is like a relocatable village that QFRS maintains. It is available to all sorts of agencies. It has now been used both within Queensland and in deployments to Christchurch, as part of the earthquake support we gave. Airbase managers—a lot of the air operations we saw were managed by QFRS staff, et cetera.

The Queensland Ambulance Service again made a magnificent contribution. Among the highlights were the fact that they maintained a first-class service under extreme conditions right across the state and were involved in some really significant initiatives during the recent floods. One of the most significant highlights was the evacuation of the Cairns Hospital. That was a combination of the expertise and professionalism of the Queensland Ambulance Service, Queensland Health and the defence force. They moved an entire hospital from Cairns to Brisbane, essentially, including intensive care patients, women having babies—you name it, they moved them safely, effectively and efficiently from that hospital. I think it is a credit to them and they deserve tremendous praise for the work that they have done. I am very proud of the work that they did. There were other evacuations of hospitals at Theodore, et cetera, and aged care residences.

As I have indicated, Queensland Corrective Services supervised thousands of hours of work by offenders on probation and parole and low security to support communities. It is something that we thank them for. They deserve a great deal of recognition for it.

**ACTING CHAIR:** Member for Mount Ommaney?

**Mrs ATTWOOD:** Thank you, Deputy Chair. Minister, I want to commend the work of all Community Safety staff in relation to the floods. My area was very badly affected by the floods in January. The emergency services workers, ambulance officers and Corrective Services staff performed remarkably well during that period. We have all been watching very closely the inquiry about the floods. I would like to look at what you are doing in preparation for the 2011-12 cyclone and flood season.

**Mr ROBERTS:** Following on from the previous question, disaster planning is done by EMQ, the Queensland Police Service, the Queensland Fire and Rescue Service and the Ambulance Service. Indeed, all the agencies within my department proactively plan and prepare for disaster seasons. It is based on the best available advice from the Bureau of Meteorology and other agencies in terms of the level of response that might be required. The point that I want to make here is that it is absolutely critical that we have the Department of Community Safety, EMQ and its other agencies focused on that task; that is what they do. In this budget there are a number of initiatives to increase their capacity. I referred earlier to the All Hazards Information System, which will be rolled out over a couple of years. It will make an important contribution to that.

In saying all that, and I want to detail some of the work that the departmental agencies are doing, it needs to be recognised that our disaster management system is built on a foundation of local government. Absolutely critical to the defence and protection of communities is the work of local councils and the work their local disaster management groups undertake. It is absolutely clear that local disaster management groups are responsible for developing local disaster management plans. They are responsible for initiating the first-line response in terms of protecting their communities, evacuation plans, identifying shelters, et cetera. The role that they play is absolutely critical in ensuring that communities are protected. I recognise the great work that those councils do. That being said, they cannot do it alone, which is why it is important that our professional agencies, which exist to provide these services, are well planned and I am confident that they are.

I have outlined the key foundation of our system, which is our local government. Emergency Management Queensland has a critical role as well and works proactively with councils to review their local disaster management plans, provide training, et cetera. Over the last period, particularly in 2010-11 since the floods, EMQ has facilitated operational debriefs with a whole range of councils—Ipswich,

Cassowary Coast council, Gold Coast, local disaster management groups. They have also participated in operational debriefs of over 20 local disaster management groups, again recognising that that is where the core responsibility lies for the first frontline defence of local communities. EMQ has worked with local disaster management groups in the Lockyer Valley, Toowoomba, Rockhampton, Central Highlands, Banana, Maranoa, Balonne, Bundaberg, north and south Burnett, Croydon and the Tablelands, for example, to help strengthen their local response.

One of the critical issues of preparation is exercises. There is funding to EMQ every year to conduct a major exercise. There was, in fact, a major disaster exercise conducted in the Toowoomba-Warwick area prior to the last flood, which was very timely. I can recall the Mayor of Warwick saying it was the best thing that they ever did, because it reinforced the issues that they needed to address. That local council obviously had some significant issues to address during the flood and they were very appreciative of the exercise. Exercises are a major factor of our preparation. The next major exercise is planned for the Brisbane region, as I understand it, within the next few months.

Additionally, EMQ will partner with the Local Government Association of Queensland to support the Local Government Disaster Management Conference. A little bit of politics was played on this issue recently by the opposition, suggesting that the commitment of former Premier Beattie to have an annual conference was stopped. What happened, in fact, was the conferences commenced, solely run by the state government. But in consultation with the local government it was determined that we could maximise the benefit to the frontline foundation organisation, which is local disaster management groups and councils, by doing it cooperatively. That has happened over the last three years and will continue in that form, as long as the Local Government Association is happy to undertake it. The theme of this year's conference in Bundaberg in July, next week, will be 'Race to resilience'. Apart from the important issues I have talked about, one of the fundamental components of preparing communities is for individuals to take more responsibility for their own protection, that is, plan for the disaster, know what the disasters are in your area, plan to respond with your emergency kit, et cetera.

Cyclone workshops are being conducted across the state. Last year there were 10 workshops during September and October. These are conducted by what is referred to as the Tropical Cyclone Consultative Committee. Effectively, it is a group of people comprising EMQ, other government departments, the Bureau of Meteorology, Geoscience Australia, local government associations and so on, which come together, particularly in the cyclone areas, to pre-prepare and inform those communities about the impending risks.

I am pleased to say that this budget provides additional staffing for the watch desk, which is a critical component of our disaster response all year around, 24 hours a day, seven days a week. There is an extra 10 full-time staff, in fact tripling the watch desk staff. There is funding for an additional seven regional disaster planning officers in EMQ, one for every region, which is a significant strengthening of the capability of EMQ to support councils. A range of other initiatives taking place include resilience projects, also with the business community, and also planning on evacuation and planning protocols, et cetera. In short, preparation for the next season is an important and ongoing responsibility of the department. They do it well and they continue to do it each year.

**CHAIR:** The honourable member for Maryborough.

**Mr FOLEY:** My question relates to the release of prisoners from the Maryborough Correctional Centre. When the correctional centre was first built, the understanding with the community was that there would be notification if a prisoner was released, especially on the weekend or whatever, to allow for appropriate integration should they wish to stay in Maryborough. There has been some disquiet reported to me in my office in recent times about prisoners being discharged from prison and basically having nowhere to go. They are landing up at homeless men's shelters, et cetera. Can you outline the protocols and the processes that are in place for when a prisoner is released from the Maryborough Correctional Centre?

**Mr ROBERTS:** That is a really important question, because obviously from Corrective Services' point of view there are two key arms: one where we keep them behind razor wire and one where they are supervised in the community. When people are behind bars, so to speak, it is important that Corrective Services keeps them there to keep the community safe, but at some time point they need to be released. A lot of work, thought and research has gone into transitioning people from a very confined and restrictive environment back into the community. In some cases that will involve transition to low security and then into the community. In other cases, they will be released from prisons such as the Maryborough prison.

The service has a range of programs to transition people from secure environments into the community. Queensland Corrective Services funds and supports a number of agencies to help that transition. In the end, no matter what people's views of prisoners are, the ultimate outcome we want is for them to re-enter the community and remain as law abiding, productive citizens. If we send them into the community absolutely angry, absolutely determined to kick the first door down that they see and cause harm, we do not achieve anything. Queensland Corrective Services is very proud of the



rehabilitative work that they do through their programs. However, it is not just through programs; it is the efforts of every individual staff member on a day-to-day basis that can help those prisoners. I will ask the commissioner to provide you with a bit more detailed information about those transition programs.

**Commissioner Anderson:** There are probably two things to say. First, before we go to the programs, we do try to release people not on public holidays or weekends. We plan for the releases so that they go on a day when they can connect into normal services. That is not always possible if there is an immediate release from court, for example, and we cannot plan in the way that we would like. At a place like Maryborough I would think we should be able to plan quite well because it is such a stable population and it is very predictable around the population within the prison. We do try to do that.

We know that somebody who has a roof over their head and a way to make money, that is, employment, is less likely to offend. One of the things that we have engaged with over the past year has been a program called *Conviction Kitchen*, which was a reality TV show that showed exactly that point: exoffenders can gain employment and there can be some positive outcomes. We run a transitional support program and there are a number of elements to it. To give you an idea of the scope of the transitional support model, between July 2010 and June 2011, there will be some 3,673 offenders who will have been provided transitional support on that program. That is a big chunk of people when you consider that our daily prison population is about 5,500 or thereabouts. On top of that, we also have the Offender Reintegration Support Service, where those people who are at high risk of either homelessness, unemployment or at a high risk of reoffence are case managed back into the community. We engage with non-government organisations to provide those services.

We have also entered into a national partnership on homelessness. We received something like \$6 million from the Commonwealth and state governments over four financial years commencing in 2009-10. That is to help reduce homelessness for those people leaving custody. There is a suite of things that are available. Can we plan for everybody? No, we cannot. There are unusual circumstances. It is true that some people have very poor plans when it comes to preparing for their release. That would probably be demonstrated with a recent Sentencing Advisory Council report which shows that not everybody gets parole on the earliest eligibility date. In fact, many people go well beyond their parole date simply for the reason that they cannot show they have suitable release arrangements in place.

**Mr FOLEY:** Is there a monitoring program of people once they have left incarceration to see how they are going?

**Commissioner Anderson:** The best monitoring method we have is through the Probation and Parole Service. For those people who are straight releases and outside of our supervision, there is no method by which we can track them. In terms of probation and parole, you will see that our completion rates are now moving up. That is an indication that that program is working and yet the recidivism rates are staying pretty constant. They compare very favourably with the national average.

**Mr FOLEY:** Finally, on the release of a prisoner what sort of agencies are notified? For instance, in Maryborough we have Coolooli House Men's Shelter. Certainly in times gone by I have received some complaints about people turning up at the door unannounced needing a bed for the night. I was particularly interested to know if there is an agency referral system in place that lets people like Coolooli House know that?

**Mr ROBERTS:** Again, I will ask the commissioner to provide that detail.

**Commissioner Anderson:** There is. In fact, we are working with a number of agencies all the time. In Brisbane there is Ozcare, and we are working with some specific Indigenous community non-government organisations to provide these services for us. There have been occasions where we have made these arrangements, the straight-release offender chooses not to take the opportunity up and then arrives in the homeless shelter in company of another mate. Then of course people say, 'You have not planned for him,' but you have to look at each case individually.

**CHAIR:** Does any other member have a question on Corrective Services?

**Mr LANGBROEK:** Yes, Mr Chairman. I have some more questions.

**CHAIR:** I call the honourable member for Surfers Paradise for further recidivism.

**Mr LANGBROEK:** I want to deal with a couple of issues that the minister referred to in answer to questions from government members about Probation and Parole budget staffing. I ask: why is it that the busiest region, Metro South, Brisbane, which supervises the largest number of parolees—270—has no surveillance officers to assist in the management of these offenders?

**Mr ROBERTS:** I am not aware of the particular detail that you have asked for. I would say that each Probation and Parole region manages the offenders according to the requirements of their particular orders. For a person who is released into the care of Probation and Parole of Queensland Corrective Services, there would be particular requirements of their order. The staffing arrangement for each particular region or office would be based on the type of offenders and the mix of offenders that are required. I will allow the commissioner to answer that particular question and he will provide that detail. I would say that there may well be opportunities for some of these officers to work across regions in terms of some of the support they provide. I will let the commissioner provide that level of detail to you.

**Mr LANGBROEK:** I might give you some background first, Minister. I understand that there was a submission put for a business case to have two of these surveillance officers provided. As I understand it, there was no money in the budget for it.

**Commissioner Anderson:** I assume that you are suggesting that that submission is with this year's budget bids, because we are still in the process of locking this year's budget down. In fact, our next round of budget bids internally will be at a meeting this Friday. It may well be that if it is the budget for the coming year then that may be a submission that is there. It is always tight for us. It is always tight to balance our budgets.

It is true that Corrective Services people compare well on a national average. If you look at the cost of Probation and Parole compared to the national average, we are well under the national average for the same prison. The costs that come along with running these services are pretty incredible. Every year it is a matter of rationing across each of the regions. For example, it may well be that if we looked at our Wacol facility, where we have sex offenders, we have something like 23 staff attached to that facility who will obviously take on the surveillance of those people who are on dangerous prisoner sex offender orders. It may be that we get some leverage off the advantage of having those surveillance officers across the broader Brisbane region, but we are still locking our budgets down and we have made no final decision.

**Mr LANGBROEK:** Thank you very much. My next question is to the minister about education, which he mentioned was such an important part of rehabilitation. I ask: if getting prisoners educated is a key issue in breaking the cycle of reoffending, as the minister said, why did the last Report of Government Services show that Queensland had the lowest number of prisoners in education or training of any state in Australia? I table that page of the report.

**Mr ROBERTS:** I will wait to get some information. Of course education is important, and the department does place a considerable effort on it. The commissioner may have those figures. Queensland compares favourably with the other states in one of the key areas, which I think is really important. I am not taking away at all from the need to continue to invest in education and training and work opportunities. The commissioner has advised me on many occasions that one of the key elements of the successful running of a prison is activity, and education obviously forms a part of that.

The ultimate outcome of whatever level of investment there is in education—and of course there was always a need and a desire to increase the participation of prisoners in those sorts of events—the ultimate outcome of the effort that is put into supporting prisoners, whether it be through education, employment related activities et cetera, is measured by how many actually return to prison. When you look at the recidivism rates in Queensland for example, the RoGS data that you referred to for 2011 showed that the rate of Queensland prisoners returning to prisons was 33.5 per cent—lower than the national average of 37.6 per cent—and the rate of prisoners returning to Corrective Services Queensland was 38.9 per cent, better than the national average of 44 per cent. Whereas I acknowledge that there may well have been an instance where Queensland was not spending as much or there were not as many people participating in education as in other states, the activity levels and the other support mechanisms, whether it be employment or otherwise, within our prisons are actually delivering positive outcomes for the people of Queensland.

In terms of the specific issue, in the 2009-10 year 27.4 per cent of QCS prisoners were engaged in education and training, and that was lower than the national average of 34.8 per cent. I acknowledge that that is an area that we need to obviously improve. I will say this: I am very confident in the capacity and professionalism of Queensland Corrective Services. I am very comfortable with the level of effort that they put into issues such as education and training and employment opportunities. The work that they are doing is actually delivering outcomes. I acknowledge that it is not as high as the national average, but there is a lot of good work being undertaken within our prison system to provide people with the rehabilitation initiatives that they require. I might ask the commissioner if he has anything further to add.

**Commissioner Anderson:** The other side of this result is that we are the highest in the reporting jurisdictions for tertiary qualifications. Clearly, those numbers will not be as high as those people who need to go through secondary education. Our aim is to engage prisoners in every part of the day. In fact, as we have been able to redevelop some of our sites such as Lotus Glen—and I was up there only a week and half ago—the level of activity within the jail, that is the engagement of prisoners in education and meaningful activity throughout the day, has doubled since we have been able to move into the new facility. We run expos and we train our staff to motivate prisoners to be engaged in education. We see education and employment, particularly education linked to vocational training, as one of the key planks in reducing recidivism. We have had some very good results, particularly up north where we have trained a number of Aboriginal prisoners in gaining qualifications in the mining industry. Our aim is to turn people out with those kinds of skills.

Our big challenge is literacy—not surprisingly—and being able to do something about literacy. Particularly when we have people for such a relatively short amount of time, trying to undo a lifetime of a lack of education is an awful challenge. I would think literacy is our biggest challenge, but I can say that the level of engagement of prisoners in meaningful activity is increasing across the state.

**Mr ROBERTS:** I will just add one bit of information. The commissioner referred to the tertiary information, subject to correction.

**Mr LANGBROEK:** Yes, I was going to ask for some clarification. I think he said that we have a higher level of tertiary education than we do of secondary.

**Mr ROBERTS:** No, the position was that we have a higher proportion of prisoners involved in tertiary education. It is around 3.1 per cent—subject to that being corrected—against the national average of 1.7 per cent. I am acknowledging that our education involvement is less than the national average, but in the tertiary area we are way in front with those prisoners who actually wish to engage in tertiary education.

**Mr LANGBROEK:** In other words, we have more prisoners doing postsecondary study—

**Mr ROBERTS:** No, 3.1 per cent of the prison population are engaged in some form of tertiary education against the national average of around 1.7 per cent.

**Mr LANGBROEK:** So the statistic is higher than our secondary engagement, which is lower than the national average. The number of our prisoners engaged in secondary education is lower than the national average.

**Mr ROBERTS:** Yes.

**Mr FOLEY:** A lot of very smart crooks in Queensland.

**Mr LANGBROEK:** My next question is to the minister or the director-general. How many drug tests were conducted through the Corrective Services mobile drug vans? I believe they were introduced in 2006.

**Mr ROBERTS:** I will need to get some information on that. The issue of drugs in prisons is something which no prison system in the world has been able to completely eradicate. It is an issue which is constantly under attention. Queensland Corrective Services has a range of measures to prevent drugs getting in—obviously, you saw the BOSS chair; there is spectacular technology which will be introduced into the Spring Creek prison at Gatton—intelligence driven operations et cetera. One of the ways in which we measure the success of the programs to prevent the entry and, indeed, use of drugs in prisons is fundamentally the random drug-testing regime. Targeted regimes which are based on intelligence are actually getting higher percentage hits than in previous years, and that means they are detecting more when they are targeted operations.

The real indicator of the level of drug activity within prisons is the random sampling. As of a year or so ago, it is now very professional in that—and the commissioner will correct me—one per cent per month of the prison population is tested on a random basis; they are selected by computer. If we take the number of prisoners who were actually tested—and, again, I do not wish to continue to remind the member of the record of his colleagues in a previous government—and compare it, we find that in 1997-98 random testing in prisons delivered around 12 per cent positive tests. That has been reduced now to around two to three per cent. That indicates that there is still an issue with drugs getting into prisons but the regimes, the sophistication of the technology and the focused attention of staff, who do a commendable job under very difficult circumstances, are actually delivering results. I have forgotten the other question you asked.

**Mr LANGBROEK:** It was about the mobile vans.

**Mr ROBERTS:** I might ask the commissioner to say something about that.

**Commissioner Anderson:** Just to make it clear about the random drug testing regime in prisons that the minister spoke about, one per cent of the population is tested weekly on a random basis rather than on a quarterly arrangement, which we have done previously. We think that has had a terrific deterrent effect. The drug van is attached to our Beenleigh probation and parole office. We do use it on the weekends. It is very good. I do not have the exact number of tests we are doing. The reason we have phased out drug vans is that as we have built our new facilities, as we have modernised the probation and parole offices, each office is now fitted out with a drug testing suite. It is properly designed for urine testing. I am told that the drug van has a very great deterrent effect in that around Beenleigh I am told that the case managers say, 'How would you like the drug van to call around at the weekend?' and it has a sobering effect on people. I do not have the exact number. We most likely will continue to phase out the van, but that is because we have built infrastructure into the offices themselves.

**Mr ROBERTS:** If I can briefly make a comment.

**Mr LANGBROEK:** As I understand it, I have more questions but the government does not, so I am happy to keep going.

**Mr ROBERTS:** You did raise the issue of the number of positive tests for people in the community service situation. Obviously in a prison it is a more controlled environment and people on probation live in their own homes and obviously have access to substances which are not normally available in prison. So the rate of detection will always be higher in a community environment than in a prison, you would hope. But I can assure you that Queensland Corrective Services takes strong action against people who

are detected with positive tests. This is a part of the strong compliance regime that Queensland Corrective Services conducts or puts in place on its offenders. Whatever the number of positive tests or discoveries are in relation to the use of drugs, there are in the main consequences for those people which can be anything from return to prison or other sanctions that might be applied by the court or Queensland Corrective Services officers.

**Mr LANGBROEK:** Those other sanctions obviously do not often include return to prison though, Minister, do they, given that we have 6,500 positive tests of those 15,000 parolees?

**Mr ROBERTS:** I will leave the commissioner to talk about that. It will range from return to prison to a range of other sanctions.

**Mr LANGBROEK:** I am interested to hear potential proportions.

**Commissioner Anderson:** I have not got the breakdown figure in front of me but we do refer to the parole board those cases where there has been drug use, particularly opiates and other things, where it is clear that this would be putting the person at risk of reoffence. One of the features of Queensland's system is court ordered parole which allows us to go into a suspension period. So we have many people go back to jail for that 28 days. It is unique in Australia where the probation and parole service can issue the warrant and put a person in jail for that period, allowing the parole board to consider the circumstances of the case. So a person might ultimately complete their parole order but they may have had a couple of—

**Mr LANGBROEK:** Extensions.

**Commissioner Anderson:** Extensions or times in jail as a result of those contraventions.

**Mr LANGBROEK:** Thank you. I turn now to the issue of court ordered parole. But before that I would like to ask: how much money has been allocated to the random drug testing of offenders on supervision orders, Minister?

**Mr ROBERTS:** If you allow us to try to locate that figure, I will come back to you in a moment.

**CHAIR:** While you take some time to do that, I will ask a question. What does the All Hazards Information Management Program do and how is going to provide benefits?

**Mr ROBERTS:** I will provide some preliminary advice and then maybe the director-general might want to add to it, because it is a project which I know he is pretty passionate about. As I have spoken about on a couple of occasions tonight, probably one of the most important elements of an effective disaster response and indeed recovery is getting good information. One of the things which we need is some system to bring together the multitude of information sources which exist during a disaster. I think that you really need to sit and observe the process to understand that the State Disaster Management Group, the district disaster management groups and indeed local disaster management groups are sometimes making life and death decisions on the best available information that they can get. On many occasions that information is conflicting—expert advice from the bureau, local people giving particular advice on what they are seeing et cetera.

One of the priorities which has been identified for some time but which I think came to the fore as a significant issue recently was the need to have an overarching system which was capable of bringing together information from a diverse range of agencies from local government to the Bureau of Meteorology, to SES groups et cetera and bringing it together in a format where decision makers could make appropriate decisions to respond and protect communities. So I am very pleased that in this budget we have allocated \$6.9 million over three years for the development of this all hazards information system. It is going to have a number of components which I could detail but I might ask the director-general to provide some information. I cannot overemphasise the significance and importance of this investment. This will, in my view, be one of the more significant decisions in terms of supporting our disaster response in the current period.

**Mr McGowan:** Thank you, Minister. The need for information quickly in order to not only provide community based information but also direct responses to areas of greatest need I guess is one of the lessons we have learnt over recent disasters. We have had disparate systems across local governments, and indeed much of the information that we currently utilise involves very labour intensive work where people are actually ringing in and data is being collated in that way. The proposal here is to actually enable data to be extracted from local government systems from state agencies to make sense of it. So, rather than using the individual method of gathering that information and making sense of it, we will have a capacity over that three years to actually extract data from the range of systems. So it is not a new system; it is in fact something that will sit over and above those things which are allocated.

In the thirst for information, which is very important in an event, it is important that that information is available quickly and is able then to be used for multiple purposes, rather than local government having to extract it. So simple things like how many jobs have been allocated in Tully is something that is currently transmitted largely manually, whereas what we are saying is that that data ought to be able to be uploaded and then a group of people centrally making sense of that and using that information for the more effective deployment of resources.

In terms of this system—and we have already had some success; it only started a month or so ago—we have social media capability already so that in the next event we will have the capacity to communicate through Facebook and through other social media that are so important in terms of information sources for those who are younger than most of the people who are sitting here tonight. But, moving forward, the broader aim is to be able to extract data, to extract it to a single point and to have it collated and made sense of in an intelligent way to focus that activity. It is something that is really critical.

**CHAIR:** I understand all these abstractions but can you make it real for me? I am one of your SES volunteers. So I am sitting beside my phone. A tornado or storm hits Redcliffe or Deception Bay. I am ready to go out and do something. I understand that this program that you have been describing to me means that somebody in EMQ is putting a whole lot more information in computers than they previously did and that somebody somewhere knows more or thinks they know more than they previously thought they knew. But how is it actually going to help me and my colleagues in the local SES unit when we go out and face the elements or what remains afterwards?

**Mr McGowan:** I guess that is part of the system, but we have already tried to address that by putting additional staff on to the watch desk so that in future calls will be made and then redirected back to the local areas for the jobs that they are able to be deployed to. In simple terms it will say, 'Where are the requests for assistance coming from? Who is going to be actioned or deployed to address those things? Where are the available sources of tarps or other equipment and how do you access that?' so that that is in fact a burden lifted off local people who are trying to do the right thing for their community rather than having to do those sorts of administrative tasks.

**CHAIR:** Thank you, Director-General. Can you or anybody else give me a concrete example of how it would work? I want to be able to explain it to my constituents who are emergency services volunteers. I can see how the system is useful, but what I am looking for is a real life example that will enable me to explain to them how this is an advantage.

**Mr McGowan:** Local SES people will still be deployed to deal with local SES matters, but they are one of a variety of people who are deployed in these events—from police to firefighters to a whole range of other agencies involved in this. It will be about the capacity to identify where the issues are and deploy people quickly to those events. In the case of the SES, they are local people and those jobs will come in online and we will be able to direct those people to the task more quickly than we have previously been able to do.

**CHAIR:** For example, in the recent floods they needed people in Caboolture but we did not necessarily know that they needed people in Caboolture. So we were filling sandbags in Deception Bay. What you are saying is that EMQ would be more acutely aware of the need so you could redeploy people. Is that it?

**Mr McGowan:** EMQ or police or local government. It is to enable a single source of information about the nature of the event and the damage caused across all of those response agencies.

**CHAIR:** So it is going to enable us to use the human resources we have more effectively.

**Mr McGowan:** More efficiently and more targeted around that.

**CHAIR:** That is great. Thank you. I call the member for Surfers Paradise.

**Mr LANGBROEK:** I should not have said that the government did not have any questions left, Mr Chairman.

**CHAIR:** No, you shouldn't have.

**Mr LANGBROEK:** Can I just get some clarification from the minister about whether we were getting the information about the random drug testing of offenders on notice. Is that now able to be provided?

**Mr ROBERTS:** I think we have that information.

**Mr LANGBROEK:** I am happy to have that provided to the committee if possible.

**Commissioner Anderson:** For the random drug tests in the community, in 2009-10 the cost was about \$677,000. Last year, 2010-11, the expenditure went up to \$891,900. In prison, the testing regime is what it is—so one per cent per week is what it will cost. We will just put that into the base budget and the same with our targeted tests. For next year—we are still locking down our budgets and the next meeting is Friday—we have allocated nominally so far \$997,000 for the program. To give you an idea of the costs that go along with this, in prison we use a urine testing cup which is an indicative test. That is about \$10.50. By the time we then move on to the tests themselves and the confirmatory tests, it gets to about \$70. So to get through each test to a point where we can take action might be as much as \$80. That is just the way it is, and that will be built into the base budgets.

**Mr LANGBROEK:** Thank you for those details. I would like to come back to the issue about court ordered parole. The Commissioner for Corrective Services mentioned that, when people have breached, sometimes they get extensions to their penalties and their prison service. Can the director-

general confirm that a high number of admissions to remand centres around the state are for breaches of court ordered parole and that this type of order is setting up a revolving door for many offenders coming in and out of prison?

**Mr ROBERTS:** If you do not mind, the commissioner can provide some detail on that.

**Commissioner Anderson:** To give you an idea of the scope of court ordered parole in the state, as at 30 June, we had 3,214 court ordered parolees. It is not our most frequently used order; probation is still that, with about 8,800. The completion rate for court ordered parole is around the 71 per cent mark, with a target of about 70 per cent, so we are on about par with the target.

It has been said by some of my staff that it is the court ordered parolees who cause disruption in the jail. We have recently had a look at the causes underpinning assaults and we have done a small piece of research, and that does not hold up in the research. What does hold up in the research is that the disruption that is caused is where you get a level of disengagement or a lack of activity. So, yes, they do come in and, yes, it is sobering. They do have a defined period of time that they are in jail. The parole board will then deal with them, and that is a sanction we will enforce if you are not living up to the conditions of your order.

**Mr LANGBROEK:** Minister, can I again clarify the figures there. So 29 per cent of 3,214 are failing and are therefore coming back to prison, nearly 1,000 out of 3,214?

**Mr ROBERTS:** Not necessarily all of them are going back to prison. We are saying that on the advice that has just been provided around 70 or 71 per cent of people are completing their orders. Obviously, there will be a proportion of those who have been returned to prison; there will be a proportion where additional sanctions might have been applied. Commissioner, do you want to elaborate any further on what the sanctions might be?

**Commissioner Anderson:** There are some jurisdictions which might report a higher completion rate. If you were to ask me my view of that, I would say that is an indicator to me that supervision is not as strict as we run here in Queensland. We do run a very strict probation and parole system. The governance that is around our probation and parole system has been mentioned very favourably by the Auditor-General. It is true that we do expect people to live up to the conditions of their order and we will actively supervise those orders. So it is not a bad result; I think it is a very balanced result to see about 70 per cent completing their order.

**Mr LANGBROEK:** Thank you. This question is to the director-general about Corrective Services and I understand this may get passed over to the commissioner. I want to ask about a staff survey conducted in Corrective Services which identified three key areas that should be of concern—that many staff do not believe the workplace is free from harassment, that there is bullying and that morale is not usually high.

**Mr McGowan:** I am aware of the staff culture survey that was conducted. About 37 per cent completed the survey; that is the proportion. In reality, these things need to be benchmarked against one another and benchmarked over time. There were concerns around that, and I for one do not tolerate or do not expect that people have to tolerate bullying. We have set up a range of processes where people can do that—such as reporting to supervisors, going through their unions, going to higher levels of management, going to an independent alternative area to have those matters dealt with. Where we get complaints, all of those are investigated.

In the survey, 60 per cent of people did say that they were satisfied with their job and indeed 60 per cent said that they intend to be with Corrective Services for 10 years or more. That is a very high proportion of people who are planning to stay in the workforce for a considerable period of time. In broad terms, we do have stability.

The purpose of the culture survey though for me and for the commissioner is to actually go to managers and say, 'This indicates where you need to focus your people and management resources.' We have put in place programs in corrections and indeed across the department—a Building Better Workplaces Program in corrections and a Positive Workplace Program across the department. The Building Better Workplaces Program is an attempt to get all of the people in the correctional centre—managers and staff—sitting down and talking about what the issues are and trying to work those things through. In many respects, it is a very innovative program that does not exist broadly through the Public Service.

For first level managers, we have sought to put in place a Positive Workplace Program and roll that out through the state. That was done on the basis of not just correctional officers but actually supervisors in corrections meeting with similar people in fire, ambulance, EMQ and the corporate areas to share experiences—not just focusing on the negative aspects of bullying but actually talking about the sorts of attributes that managers and supervisors need to provide to their staff.

Certainly, in my view, I have a high level of commitment to actually building relationships within workplaces to enable people to work more effectively. I think we all know that where there are problems in workplaces, where managers do not deal with problems, where problems are allowed to linger on, the resolution becomes more and more difficult. For me, it would be a desire to bring that out into the open and try and deal with the problems as they arise.

We have put intervention strategies into a number of places. I think there were issues in corrections in Toowoomba in the probation and parole area where we actually sought to enable people to express those views and try to resolve the relationships within the workplace to deliver better results. The consequence of that is that they actually reduced levels of sick leave, levels of stress and those sorts of things occurring.

I have a genuine commitment around that. I think 60 per cent of people generally expressing satisfaction with their bosses is not too bad across organisations generally. It would be better if it were 80 per cent or 90 per cent, but we are not as a society particularly tolerant or goodwilled towards our supervisors when we are able to express those views with anonymity. I think the culture survey is important but it is only important if managers actually take it on board to address some of the issues and to keep following it up so people actually think it is not a one-off—that it is not just something that happens on one occasion but rather it will be revisited.

Many times the results will be the same. In every organisation I have ever been in, people complain about a lack of communication. It is a challenge and I have certainly talked to senior management about it. It is hard work but it is hard work that has to be consistently applied because, in the end, a really important part of working in any organisation is actually having managers who understand what their task is, managers who carry out those things fairly and openly and managers who address the problems.

I do not want people to back away from problems; in fact I hold the view that the longer you leave a problem unresolved the more difficult it is to resolve. I think some of the issues of grievances in the Public Service are because we actually do not call bad behaviour to account when it first occurs and then down the track someone says, 'But he's always been like that.' That is not a good enough excuse and we need to address those things.

We provided the alternative complaint channel so that those issues could be raised. One of our senior people has in fact an open line that people are able to ring to complain if they do not feel they can go through the normal channels around that. I understand that that is sometimes the case; people do feel intimidated by the normal processes and need to talk through that.

**Mr LANGBROEK:** Thank you very much. Can I turn now to the intensive drug rehabilitation orders. There is a very poor success rate here; I think it is about a 22.35 per cent completion rate as at December 2010 so a 77 per cent failure rate. I know that offenders are waiting between 30 and 60 days to get into rehab programs. Can you explain to the committee why we are continuing to get such a poor success rate?

**Mr McGowan:** I think there was a question on notice in relation to that particular issue. I have some knowledge of this going back to my previous role in Justice with the Drug Court as well. The Drug Court, in terms of how it operates, is a different form of therapeutic justice where people elect to do that. It is quite an expensive mechanism. Indeed, the results of the Drug Court through I think all of its operation have been broadly consistent with the outcomes that are still being achieved. People do lapse back, people do choose to ignore it or to ignore their obligations, and the consequence for them is to return to the prison system, regrettably. These results are not unique to Queensland. These results are the sorts of results that are experienced in this therapeutic justice arrangement wherever it is in place.

**Mr LANGBROEK:** Thank you. Mr Chair, continuing that theme about prisoner support and programs, can I ask the director-general for some statistics on how many prisoners were released from prison last financial year having served fewer than 12 months and how many of those offenders were denied access or were ineligible to participate in a rehab program?

**Mr McGowan:** In terms of drug related offenders?

**Mr LANGBROEK:** Yes.

**Mr ROBERTS:** We will try to get that information.

**Mr LANGBROEK:** Can you take that on notice?

**Mr ROBERTS:** Yes.

**Mr LANGBROEK:** Thank you, Minister. Director-General, what sorts of prison programs are available for those offenders? Why is it that a majority of prisoner programs are not available to persons serving short sentences? Sorry, I think that is self-explanatory. When I was at Arthur Gorrie, it was obvious and they even said to me, 'We've got very limited time with some of these offenders.'

**Mr McGowan:** I think the answer to the last part is as you have just indicated. Whether it is drug programs or other programs, the shorter the period of time the less effective they are because they are generally intensive programs and therefore people who are in for short periods of time are unable to complete those programs.

In terms of the drug intervention programs, there are a number. The Ending Offending Program is an Indigenous specific, moderate intensity program. The Getting SMART Program is a more intensive program for male and female substance abuses. Pathways is a program for high-risk offenders. Then there is a build on that in terms of a program called SMART Recovery. That is a maintenance program built around trying to consolidate those people who have undertaken those other programs. There are some other more specific programs but in general I think they are the identified drug programs. I am happy for the commissioner to add more.

**Commissioner Anderson:** In short sentences, you are correct. The difficulty is that there simply is not enough time to get somebody assessed and get them settled into a prison sentence. We call that getting their head inside the wall, when they are prepared then to do something, particularly where it is an intensive type program. There is a lot of research which shows putting low-risk offenders into high-intensity programs increases the risk of reoffence so you have to target the program effort. For short sentence prisoners, you would naturally expect a lower risk of reoffence—that might not be the case, but you would expect that with a short sentence. Our focus will generally be getting people into the routine of good habits such as work. You mentioned Borallon prison. You would have seen the industry that they undertake there and the tremendous discipline there is around prisoners turning up, working and producing a quality product. They are habits that I think are as valuable as a formal program if you are turning a short sentence prisoner back out into the community.

**Mr LANGBROEK:** Thank you. Minister, I wonder if you could ask the commissioner to clarify again. He said that, as I understood it, if you put a short-term prisoner into a high intensive program it may lead to them having a higher incidence of recidivism.

**Commissioner Anderson:** With regard to low-risk offenders going into a high intensity of programs, there is some evidence around to show that that increases the risk of recidivism because you are mixing them with higher risk characters and that causes contamination. They learn some tricks you simply do not want them to have.

**Mr LANGBROEK:** Thank you. On the health issue in prisons, Director-General, how many mental health nurses are employed within the prison network to deal with the growing number of prisoners coming into the system with a mental illness? This was pointed out to me at Arthur Gorrie, especially in terms of the complex issues of mental illness associated often with drug use.

**Mr McGowan:** There is certainly a significant issue around mental health and the number of prisoners. The people who are in prisons are part of the health department. I do not know whether the commissioner has those sorts of numbers, but we could get the numbers of Health practitioners who are in the prison system. I have everything else but the number.

**Mr LANGBROEK:** Would it be possible to have that taken on notice, Minister? This is about mental health issues.

**Mr ROBERTS:** I am sure that we can get that information. I just make the point that health services within prisons are provided by Queensland Health, so we will obviously be able to get those figures for you.

**Mr LANGBROEK:** With regard to those sorts of services, Minister, obviously there is negotiation though from your department with Health to alleviate the concerns of those Health employees who are working under such straightened circumstances where they obviously need the support. Is that what happens within your department—that your department then says to Queensland Health, 'These people are working very hard and they need support. Will Queensland Health give consideration to putting more staff members within the prison system?' How does Queensland Health otherwise know what is needed?

**Mr ROBERTS:** I will allow the commissioner to provide more detail, but Queensland Health obviously took over the arrangement for providing health services some three or four years ago and obviously they will make an assessment given the workload as to what number of staff are required, and I will let the commissioner provide you with some more detail. But you have actually touched on an issue which is really important. There is an issue with the number of prisoners with mental health problems and other disabilities, intellectual and otherwise, and it is a significant issue for corrective services across the country. Indeed, it is an area where we need to continue to focus a lot of attention because a lot of these people for a whole range of reasons are committing offences and may well be receiving support through mental health services while they are outside. But certainly when they come into prison every prisoner is assessed, so for some of these people it is probably the first time that the actual disability or mental health issue that they are dealing with in real life is actually going to receive some attention. So I can assure you it is a significant and growing issue for corrective services systems across the country, and I might just ask the commissioner to maybe provide a bit more information about the way in which that service is delivered.

**Commissioner Anderson:** The service is delivered to a community standard, so it does not seek to go beyond that. But it is true that the prisoner population are a very sick group generally—high-risk behaviours coming from very diverse backgrounds, large levels of blood-borne virus, mental health



issues and addiction issues. So a prisoner coming to us of a relatively young chronological age might well have a very advanced physical age. With regard to the service itself, Queensland Health together with myself have a high-level committee where we look at the coordination issues and the service delivery that is required. We discuss the issues of resources et cetera, and clearly mental health service is one of the things that we continue to talk about. The private providers—that is, the two private providers—have their own health service. That is not provided by QHealth and that is dictated by contract, so it is a different set of arrangements.

Queensland Corrective Services also has a group of psychologists, and our challenge is to keep those numbers up—something around 70-odd around the state. Again, they will be used where there are assessments required for at-risk assessments et cetera. Our staff have raised this issue with us. Our custodial staff have raised this issue: what do we do with a prison population that has mental health issues? We have developed and we are very pleased to say that we now have a train the trainer program around what we are calling the Mental Health First Aid program, and that is not to make our custodial staff psychiatric nurses or anything else but to understand the consequences of the presenting behaviours that they see in the jail on a day-to-day basis. Some people would argue that those prisoners should not be in jail, but the truth is that they have committed an offence and they have been properly sentenced. They are not in a state which would lead them to be certified, so the simple reality of it is that we will need to deal with mental health issues in jail and we are developing a service model around that.

**Mr LANGBROEK:** I am interested in asking you a little bit more about these psychiatric and psychological services. Minister, I wonder then if you could give the committee an idea about how much funding has been allocated in this year's budget for psychiatric interventions for prisoners. Perhaps the commissioner could give a ballpark figure statistically about the current number of prisoners who are identified with some sort of psychiatric illness.

**Mr ROBERTS:** I think that question probably should be directed to the Minister for Health, because, as I have indicated, Queensland Corrective Services does not provide this direct service; it is a matter for Queensland Health. So it is a matter for them to determine, as they would do in the broader community, what level of resourcing is required to meet the needs of the population they are required to look after.

**Mr LANGBROEK:** Okay then. I will move on. I want to ask about a set court ordered parole date. When I was at one of the prisons that I visited through an audit it was found that the court had given court ordered parole and given a sentence that was outside the scope—in other words, they gave a court ordered parole but the sentence that was given to the prisoner should have been greater than what was given as court ordered parole. How do we check this? Are audits done, because of course issues about getting release dates wrong obviously leads to extremely bad publicity?

**Mr ROBERTS:** Obviously in terms of the issue of whether a court has something right or wrong, the question needs to be put to the Attorney-General I would think. But in terms of the issue of—

**Mr LANGBROEK:** This is a case though within the prison, Minister.

**Mr ROBERTS:** In terms of the issue of assessing the correct release date, yes, there have been some issues raised, as you are aware, in recent times. I can say that Queensland Corrective Services have put in place significant initiatives and reforms to reduce the level of inaccuracy of calculation, and there have been really significant improvements. At the outset—and I will ask the commissioner to provide some more specific detail—the calculation of sentences can sometimes be a very complex thing because you are dealing with a range of agencies that have input into that and opportunities to, I suppose, get it wrong—obviously the justice department, Queensland Corrective Services, Queensland police. There is a whole range of decisions and warrants and all sorts of things that come into play which need to be collated so that correct decisions are made.

The target is of course to get 100 per cent of sentence calculations right, but my understanding is we are at about 99 per cent plus. There is a very small percentage—a very small percentage—but zero is the target, and one wrong is one too many. But Queensland corrections have put in place improvements already and indeed more work is being done. My understanding now is that more than half of whatever the number is are detected within a day or so whereas 12 months ago it was taking many more days to actually discover the mistake. So there certainly has been an issue which has been well publicised and talked about in the community. But Queensland Corrective Services gets the overwhelmingly majority right. It is working with the other agencies and I might just get the commissioner to detail a bit more some of the proactive initiatives they have put in place to ensure that people actually serve the sentence for which they have been sentenced. But I just might add again it can be very complex. There is the actual court decision of the term, there is the time that the prisoner may have spent in jail before et cetera. So the commissioner can provide more detail.

**Commissioner Anderson:** Just to give you an idea of the scope of this issue, there is something like about 7,500 discharges a year. So there is a lot of volume. In terms of movement—this is to court, being received back in, recalculations et cetera—last year that was something like 75,000 moves. By the time we looked at last year it was 99.75 per cent accuracy rating, but again, as the minister has said,

we want to improve that. The last quarter—we track this now on a quarterly basis—it was down to three problems and they were caught within a day or half a day of the problem being identified. We do need to do a couple of things. The first is when we look at these pieces of paper that come from the court we need to say, ‘What was the intent of the court?’ and then as you say the next part is, ‘Is that a valid sentence?’ If not, we need to address that through legal services immediately.

In our legal services unit we have now funded a resource which is dedicated to checking these sentence calculations with us. Some time ago—I am afraid I cannot give you an idea of the dates; it is lost in the mists of time—this function was decentralised away from head office and was left to the individual prisons. We have now brought that back under central leadership and then we are able to do training and constant coaching et cetera and that has led to the improvement we have seen in the last year.

**Mr LANGBROEK:** Thank you. Minister, can you advise the committee on the issue of prison security as to whether there is a stand-alone dog squad within Corrective Services that can respond 24 hours a day?

**Mr ROBERTS:** There certainly is a dog squad. If I can just touch briefly on the issue of prison security, there has not been an escape from a Queensland jail since 1998. You might wish to guess which government was in power when that happened.

**Mr LANGBROEK:** I understand that security is much better within Corrective Services since then, Minister; they have assured me at the jails.

**Mr BLEIJIE:** Who built the new fences? Who gave the money to build the new fences to keep them in?

**Mr ROBERTS:** Since Labor has been in government there has not been an escape from a secure prison. The other thing I would say is that low-security prison is—

**CHAIR:** Excuse me, Minister. Member for Kawana, if you are going to speak, would you please use your microphone. Nobody can hear you when it is so far away.

**Mr BLEIJIE:** My apologies, Mr Chairman. It was worth hearing, but that is fine.

**Mr LANGBROEK:** It is good to see that there is still some fire in the belly at 9 o'clock at night.

**CHAIR:** Worth hearing; probably not worth repeating. Minister, would you like to continue?

**Mr ROBERTS:** Again, I have visited the Dog Squad officers at Queensland Corrective Services at Wacol and I will allow the commissioner to provide a bit more detail. Just getting back to the prison security issue, our high-security prisons are very secure. As I have indicated, there have been no escapes since 1998. In terms of the issue of low-security prisons, they are not fenced. People can if they wish just walk off. Last financial year there was one abscond from a low-security jail which was quite a significant achievement I think for Queensland Corrective Services staff. They take the issue very seriously. It is not something that they feel comfortable about when someone walks off because they do try to assess people appropriately and to ensure that those who are released into low-security environments are there for good reason, which is to rehabilitate them back into the community. There are dog squads attached to particular prisons. I just want to say these people are very professional. As with the Queensland Police Service, there is a lot of time and effort placed on selecting the appropriate dogs and selecting the appropriate people to work with the dogs. Similar to the Police Service, there are the passive dogs in terms of searches of cells et cetera and also the ones that you would not want to be within 100 metres of because they are very aggressive. So it is a very professional outfit. I might just get the commissioner to provide a bit more detail about how they are actually allocated and how they work across the different prisons.

**Commissioner Anderson:** With regard to the Dog Squad training, we have just changed the arrangements for our Dog Squad training. We still have the stand-alone training where we still have the facility, but rather than having leadership of it stand alone we have now attached it to our academy so that we have even further enhanced the training that will be provided to the dog squads. Our private providers graduate their own dogs, but the dogs are trained under the QCS dog training program.

It is from time to time true that individual dog squad members will not be able to have a dog that has not maintained its accreditation. That becomes a problem, because they are so attached to the animal. The animal is already working in a location and is the source of a very difficult conversation we will have with the officer, given that the dog will not be fit for purpose. So we will then go to try to source other dogs and replace that facility. But we are not seeking to change the arrangements around our dog squad at all. They do a terrific job. The passive dogs we are training to detect a particular drug at the moment, which has been a problem for us because it is not easily identified. If that is successful, then that will enhance our barrier controls even further.

**Mr ROBERTS:** If I could maybe interrupt? We have some information now on that incident that you referred to at—

**Mr LANGBROEK:** Woodford.

**Mr ROBERTS:** On 8 December. The director-general can provide that.

**Mr LANGBROEK:** Is it the riot?

**Mr ROBERTS:** The incident.

**Mr McGowan:** The incident. The advice that I have was that it was a non-violent demonstration involving up to about 30 prisoners. I can also confirm that there was no tear gas or any chemical used to control it and that prisoners were brought back under control at the direction of the staff of the prison—27 people, in fact, I have got that advice. Six prisoners were identified as ringleaders. The next day those six people were sent to Borallon and the Brisbane Correctional Centre and then moved to northern centres, Townsville and Capricornia, as part of the punishment for their involvement. Two others were subsequently identified and they were put in the Woodford detention unit and then placed upon safety orders.

In respect of the other incident you raised—that is the bashing of the prisoner at Woodford—that is currently still under police investigation. So there is no current outcome in relation to that.

**Mr LANGBROEK:** Thank you for that information.

**Mr ROBERTS:** If I can just reiterate that, just to make this perfectly clear, this was a non-violent demonstration. So I think to use words such as 'riot' to describe that event is really going over the top a little. It was a non-violent demonstration by a number of prisoners who have been dealt with appropriately.

**Mr LANGBROEK:** Thank you. That was the allegation that was put to me, but thank you for the information. Can I come back to the issue about the dog squad and ask the commissioner about this. I was not going to ask this question but the commissioner mentioned at the end of his answer that there are dogs that are drug-detection specific. I just want to ask some details about that. How many of the dogs are trained just to smell out one type of drug? I think it is quite interesting.

**Mr ROBERTS:** I am happy for the commissioner to provide more information. My understanding as well is that some dogs are going to be trained in terms of detecting mobile phone batteries. That is a possibility as well, as I understand it. I am happy to be corrected, but there is a whole range of issues ultimately which some of these dogs will be able to be used for.

**Commissioner Anderson:** That is correct and in other jurisdictions they are being trained. I think they detect the lithium in the battery for technical reasons. So that is what they will be trained on. There is a prescription drug that is popular among drug users, which is an opioid substitution therapy drug that is small, easily trafficked and it would be the drug of choice if prisoners could get it. That is what we are attempting to train dogs to detect. If we are successful in that, then that is another quiver in our—

**Mr LANGBROEK:** Arrow in our quiver.

**Commissioner Anderson:** Arrow in our quiver, as I say.

**Mr LANGBROEK:** Thank you for that. Can I move to the issue of the ambulance levy. This is a significant amount of money that was raised as a levy that the opposition has supported removing from Queenslanders. I wonder whether you could advise the committee about what guarantee you can provide us that the Queensland Ambulance Service will not face another funding crisis as happened, of course, by 2003 when former Premier Beattie decided to bring in the ambulance levy, given that we have a budget under significant pressure, as I am sure you acknowledge.

**Mr ROBERTS:** Obviously, the issue of the ambulance levy is predominantly a matter for the Treasurer, but certainly the Queensland Ambulance Service has received funding from it—last year, I think around \$150 million or \$160 million. Sorry, the estimated actual is about \$170 million. So it is in that sort of range and it has been going up. It provides about 30 per cent of the total funding of the Queensland Ambulance Service and it has remained and fluctuated around that since it was introduced in 2003. The government has given a commitment to maintain levels of funding to the Ambulance Service. What this decision does is deliver around \$113 into people's pockets every year to help them with cost-of-living pressures. The government was really pleased to be able to announce that during the last election.

But I have been asked the question and there have been a few people in the community seeking to scaremonger by suggesting that this is going to impact on the funding stream for the Queensland Ambulance Service. The facts of the matter are very clear when you look at the budget allocations. Since the ambulance levy was introduced, the government, over and above that 29 to 30 per cent of the budget that it provides, has been significantly increasing the government contribution over and above that for a number of years. This year's budget of \$575.8 million to the QAS is an increase of \$42.1 million, or 7.9 per cent, on the previous financial year. So there is an absolutely clear, irrefutable record of the government continuing to fund the Ambulance Service with the funds that it requires. Of course, what is that delivering? An exceptional service.

Before I go into some of that, I just want to touch on the issue that the community entitlement to ambulance services will not change at all. The fact is that people will no longer pay the levy—and a number do not pay it because of exemptions anyway—but the free access and the support that people will get if they use an ambulance interstate will remain. So all of the current benefits that Queenslanders receive from the Ambulance Service will remain irrespective of the fact that the levy has been removed.

I could go on to talk about the Ambulance Service. Hopefully, one of the other members will ask me. You may want to ask me something about the performance of the Ambulance Service, which is the best-performing ambulance service in the country. If you do not want to ask me I might leave it for one of the government members to ask me in a few moments.

**CHAIR:** Funny you should mention that, actually. I have previously and privately expressed my gratitude to you for your foresight in parking the ambulances that are going to be put into the new North Lakes Ambulance Station in Deception Bay. Having them there actually improves response times and it is an outward and visible sign of an inward and spiritual intent that my constituents laud and magnify. This is just a lead into a general question, because I do not think that my constituents are Robinson Crusoe. Can you give us some details about the acquisition of new ambulances and a general stocktake on the ambulance fleet, please?

**Mr ROBERTS:** Yes, I can. In terms of ambulance vehicles, this year's budget provides for 140 additional ambulance vehicles and that is on top of, I think it was, 165 last year, which builds on the 150-odd the year before and so on. In fact, we have had 740 new and replacement stretcher vehicles over a five-year period. Given that the QAS has approximately 880 stretcher vehicles, that is a significant renewal of the ambulance fleet. I think the average age of the fleet is 4.7 years. So I think members when they are out in their electorates will be seeing these spectacular new Mercedes ambulance vehicles with the new markings on them which are very visible. Staff have had a lot of input into it.

There have been a couple of developments in terms of ambulance vehicles and then I might move on to the performance of the service, if you do not mind. One of the issues this year has been the introduction of two new models. One is a LandCruiser troop carrier type of vehicle but, additionally and importantly, the Mercedes ambulances that you see are predominantly—in fact, all of the new ones—are all single stretcher. We are moving to a new design with dual stretchers in the back of the Mercedes ambulance and that is going to be quite a significant enhancement of capacity. Again, just to make the point, the government and the Ambulance Service have invested heavily in the vehicles—740 over a five-year period out of a fleet of stretcher vehicles of about 880 with an average age of about 4.7 years, which is pretty significant.

If the member will allow me to indulge the committee a bit, the Queensland Ambulance Service—

**CHAIR:** The committee is always happy to be indulged.

**Mrs KIERNAN:** Yes, I am more than happy to ask you about ambulance response times, if you would care to just elaborate on that a little bit?

**Mr ROBERTS:** Thank you for that question. The Queensland Ambulance Service—and I do say this in all seriousness—in my view is the best performing ambulance service in the country. There are a number of measures by which that can be validated: the quality of the clinical service that is provided to patients, the care and the professionalism of the officers. Go to our communication centres. There are very dedicated staff in terms of the call takers and dispatchers. They are very highly trained, very committed and passionate about delivering a first-class service to people right across Queensland.

One of the measures where we can compare ourselves to other states is in the response times. Some years ago the ambulance services moved to a common response time comparator where we measured how quick the service responds to 50 per cent of code 1 emergencies and how quickly they respond to 90 per cent of code 1 emergencies. To give you an example for Queensland, in the 2010-11 financial year the Queensland Ambulance Service responded to 50 per cent of code 1 incidents in 8.2 minutes and 90 per cent in 16.7 minutes. We are waiting to hear what the other states' results are. But if I can go back to the year before it does give an indication of how spectacular our response times are comparatively.

The ROGS—the report on government services—was published in January. There was an environment of increasing demand. We went through a significant period of demand when I first became minister. It eased off a bit. There is now significant growth. But in that period of an environment of significant demand the comparator in the latest ROGS for 2009-10 is Queensland is 50 per cent within 8.1 minutes and the most comparable state was New South Wales at 10.3 minutes and 90 per cent, 21 minutes, compared to Queensland's 16½ minutes, or thereabouts. So on those critically important measures of how quickly our code 1 responses occur, the Queensland Ambulance Service, on average across the state despite the diversity of the environment and distance, is two minutes faster at the 50th percentile and about four minutes plus faster at the 90th percentile.

These are exceptionally good figures and are due to a number of things, most importantly the professionalism of the staff—both the ambulance officers and the call takers—but it is also due to some smart initiatives that were put in place following the ambulance audit. The response to incident ratio has

reduced significantly—that is, only deploying those resources which are necessary. So that has been reduced significantly over the last couple of years. So you are not sending two ambulances to a person with a stubbed toe. We refined the protocols to make sure that the resources were used and maximised. So those response to incident ratios have been substantially reduced. The response times, as I have talked about, and a range of other measures are really demonstrating that our system and our officers are performing at high levels. One of the areas where a significant improvement was introduced to our call centres was called the secondary triage and referral system. In any one year there are a significant number of people who call the Ambulance Service who do not actually require an ambulance service.

In the Brisbane region there has been a system called STAR, Secondary Triage and Referral, which has been put in place which identifies, through the medical priority dispatch system, those callers who may not actually need a direct ambulance response. Those calls are then referred to a specialist group of call takers, many of them have got, I think, nursing qualifications, who do an additional, in a sense, secondary assessment of the needs of that patient. That can result in a number of things, either an ambulance being sent or that person being referred to their local GP or provided with the information on the phone or referred to 13HEALTH. So there are a number of clever initiatives which have been put in place following on from the audit that are delivering significant results to the people of Queensland.

Again just going back to the response times, they are nation leading. I give all credit to Russell Bowles as the new commissioner and as the deputy before that in driving operational matters within the service. The previous commissioner, David Melville, led a lot of these reforms. They have done exceptionally well. I am very proud of the work that our ambulance officers and our Ambulance Service delivers to the people of Queensland. There are many more achievements, but I am happy to take another question.

**CHAIR:** Member for Surfers Paradise?

**Mr LANGBROEK:** I am happy to provide another question to the minister about the ambulance levy and the fact that, as you have now mentioned, it is something that is going to cost the government \$570 million, and even more, and about what mechanisms the department has in place to try to recoup some of the money, not necessarily from Queenslanders—I take your point that services are not going to change for Queenslanders in terms of them having to pay—but if it is an interstate visitor or an overseas visitor, if there are accidents where people are able to claim through WorkCover or that the Ambulance Service may be able to claim through WorkCover, or if they are in a motor vehicle accident, are there ways of perhaps on-charging the third-party insurer? These are all ways that the government could get some revenue. I am interested as to the status of collections from interstate or overseas visitors and whether the government and your department has considered ways to try to supplement some revenue because it is now going to cost the government so much more?

**Mr ROBERTS:** I think the Treasurer in the budget speech and in commentary following the budget clearly outlined the choice that the government made here and that was to deliver a cut in cost to the community by removing the ambulance levy and funding it through other means in relation to changes to stamp duty. In terms of the Ambulance Service, as I have indicated—to go back to my original point—the government has given a commitment to continue, as it has, to increase the resources available to the Ambulance Service. So I think that issue can be put to bed.

**Mr LANGBROEK:** I am not questioning that.

**Mr ROBERTS:** The issue about recouping payments from people who come from interstate can happen in a number of ways. Obviously they will be sent a bill. You and I and other members have probably received correspondence from the sons and daughters of their interstate parents who have come up to Queensland and used the ambulance and got a bill. The way that is resolved is obviously some of those people will have private health insurance, some of those people will have arrangements through their own state ambulance service that will repay the costs, but then there are others who will be left high and dry, so to speak, who will obviously have to pay the bill. I might pass over to either the director-general or the commissioner to provide a bit more detail.

**Mr McGowan:** I think that is essentially the mechanisms by which that happens for interstate or overseas people. In addition to that, there are a couple of other source revenues. For example, Vet Affairs. We have a memorandum of understanding with Vet Affairs where they pick up the cost of transports of those people. So we actually have had a long tradition of recouping that money because those arrangements are not changed by the levy. Those people were previously billed and will continue to be billed because they were not covered by the Queensland model anyway.

**Mr LANGBROEK:** Are there other arrangements, Director-General, for example, where the department may consider coming to an MOU with third-party insurers or WorkCover to also be able to claim?

**Mr McGowan:** Queenslanders who are transported as a WorkCover issue were covered by the previous arrangement and will continue to be covered by the government funding of that system. I think that is right, Russell?

**Commissioner Bowles:** Yes.

**Mr McGowan:** Interstate people would be billed in the same way as they are billed because of the nature of that work. So whether WorkCover picked that up or their own health insurance company or their own ambulance service, that would be a matter for the arrangements that apply in those states.

**Mr LANGBROEK:** I just want to clarify this. I am not only trying to ascertain whether the department and the Treasury are doing as much they can to recoup some of the expenses that we obviously are incurring as a government in Queensland, I am asking as to whether we are investigating every possibility to try to recoup some of the money that it costs us.

**Mr McGowan:** We do and, in fact, put an extra effort into that after the audit because that was about trying to generate as much income as we can to enable us to sustain the Ambulance Service. So since the audit we have been doing much more rigorous follow up of those debts.

**Mr LANGBROEK:** Thank you. Can I move on very briefly—we only have a few minutes left—to ask about firefighter numbers. I don't want anyone to feel they have been neglected or left out. Queensland has experienced high population growth. We have added just 75 additional firefighters in the last three years. I just ask if the minister considers this number adequate given that some major centres have had no real increase in firefighters since the mid seventies. I understand Toowoomba still has the same level of staffing—10 full-time firefighters—it had in 1974.

**CHAIR:** Under standing orders you cannot ask for an opinion. You could phrase that differently and still elicit the information that you want. I would be grateful if you would do that.

**Mr LANGBROEK:** Thank you for your direction. I thought I might get away with a question that was not quite within standing orders, but I should have realised you would be on your game even at 9.20 at night. Minister, could you answer for the committee about the fact that we have had 75 additional firefighters added across the state in the last three years with a high population growth. There are centres that have had no real increase since the mid seventies, such as Toowoomba, where I understand the staffing is the same as it was in 1974.

**Mr ROBERTS:** I am happy to answer this question because it gives me an opportunity to distinguish between the nature and the challenges faced by the fire service compared to the Ambulance Service. The Ambulance Service, as we have heard about tonight, responds to increasing demands for their service—increased population, people are getting older, people are getting sicker et cetera, et cetera. So they have actually got a real demand issue that they are responding to and responding very well to. Fire is a different kettle of fish and I will ask the Commissioner to maybe provide a bit more technical backup to make sure that I say the right thing. From where I see it, fire is entirely different. In fact, the demand for a lot of firefighting capacity has actually reduced in some areas for a number of reasons: better designed buildings, better training of firefighters, better equipment et cetera, et cetera. So, if you go to a place like Toowoomba where there are firefighters or people raising issues about numbers—it happens all the time in various parts of Queensland—if you look at the number of incidents and structural fires they are fighting and the response times, they are actually, on my understanding, improving over time. But also the number of structural fires that are being responded to is, in fact, reducing in some areas.

The point I am making is that the demands on the fire service are a different set of demands to that which exist for the Ambulance Service so the need to increase the number of firefighters is not as critical an issue as occurs with Ambulance because Ambulance, as I have said, is responding to an actual and real increased demand on their services. In some instances, as I said, in the mix of responses provided by firefighters, the growth is probably more in road crash rescue rather than structural fires because of design, better alarm systems and suppression systems et cetera. I might allow the commissioner to provide a bit more detail on that particular issue, but the point I would argue is that it is not a valid criticism to say that firefighter numbers have not increased because of population growth. The fire service is responding and delivering a very good service to Queensland and doing so within the parameters and the time limits that they set as their benchmarks.

**Commissioner Johnson:** The words that the minister spoke are correct in the sense that he mentioned the Toowoomba area, for example. The number of incidents over the last four or five years in Toowoomba has remained fairly consistent. But more importantly, the year that you quoted, 1974, in those days it was very much an insular fire service and today, particularly since 1990, we have a much more integrated fire service where full-time, part-time and volunteer firefighters are able to respond and assist each other in a much more coordinated and synchronised way. We obviously keep an eye on growth. The next growth area for us is the new facilities coming to Ipswich with the Ripley and Brassall stations as part of our capital works and growth program. But certainly structural firefighting, as I am wont to say, I suppose, is not a growth business for us. In fact, we go to about the same number of structural fires, just up and down slightly, as we have for the last 10 years. That area of our work is not a growth business. Certainly the specialised rescue areas—the minister mentioned road crash rescue, swift water rescue as we saw during the summer activities and other forms of more technical rescue and hazardous materials—are areas that are growing for us. We do consistently and constantly monitor urban growth and make appropriate adjustments. For example, the Ambulance Service would respond to more than 10 times the annual incident number that Fire does. So there has been a high demand in

that area but we do monitor it and obviously the major growth that we are keeping an eye on is mainly South-East Queensland. You saw the new station at Nerang, at Redlands and we have got a new station coming for the Ipswich area and we are having a good close look at the Toowoomba area.

**Mr LANGBROEK:** Thank you. Minister, I would like to ask a question about the SES. Of course we all know what a great job they did during the events over December and January. I think all members of parliament have been out there trying to promote the value of the SES which many Queenslanders think is provided with resourcing similar to the Ambulance Service or the fire service. Can I ask: what is the government planning to do to boost SES numbers in the wake of the floods and cyclones and also through promotion through members of parliament?

**Mr ROBERTS:** Thank you for the question. In response to that other question where you did mention Toowoomba, I did make a statement that the number of incidents might have reduced in Toowoomba. I don't actually have those figures with me. I take it from the commissioner—

**Mr LANGBROEK:** It stayed steady.

**Mr ROBERTS:** Yes, it was pretty well the same. But proportionately when you talk about population growth it probably is a reduction. I don't have any actual figures to put to you.

**Mr LANGBROEK:** We know you like talking about rates not actuals.

**Mr ROBERTS:** Not seeking to mislead you in any way.

**Mr LANGBROEK:** No, no, that is fine.

**Mr ROBERTS:** In terms of the SES what is the government doing? One initiative is the advertisements you may have seen that the Premier launched at the Queensland Disaster Heroes awards ceremony recently. I just make the observation that I think they are excellent advertisements because they capture the essence of what the SES did during the flood and what they do on a day-to-day basis. One of the things that the government is doing is obviously funding an advertising campaign to support the work that already is underway within local councils who are our partners in supporting the SES. This is a partnership. It is the State Emergency Service, but they are actually housed within councils and councils have the principal responsibility to look after them and they obviously work through EMQ and local government disaster groups in terms of response. So one of the initiatives is the advertising campaign. Of course there is the ongoing training that is provided by EMQ on an ongoing basis. The Department of Community Safety a couple of years ago also developed its volunteer management strategy which has a significant number of initiatives—53 initiatives—not all targeted at SES, also Rural Fire and other volunteers, to focus the department's attention on the need to recruit and retain volunteers.

As I have indicated, this is a shared responsibility that we have with local councils in terms of resourcing and equipping SES. The state has a direct responsibility through EMQ to provide training, which they do. We also provide resources. We also provide equipment and uniforms et cetera for SES volunteers. All in all, there is a concerted effort right across the department and EMQ is leading that, in conjunction with councils, to ensure that the numbers of SES volunteers continues to grow.

Just on that score, I can give you some figures. For example, in November 2010, just before the storm season commenced, the figures I have here are around 6,550 SES volunteers, actual recorded. The current figure as at March was 6,823 actual active members, as I understand it. There is probably another group of around 1,500 of what we would call inactive. They are on the books, but are not actively engaged. There is that additional pool, which does boost the numbers, but we only ever quote the active figures. Since the Disaster Heroes campaign started, there have been 502 inquiries over a period of a month or so, which is pretty significant. I think that Queenslanders all over the state are full of praise for what our SES volunteers do.

As I move throughout the state, I try to drop into groups where I can. They will often put on barbecues or recruitment nights. I am finding that a lot more young people are getting involved. In fact, about 12 months ago I went to my local Brisbane group and they had about five new members, three of whom were young women in their early 20s. People with a whole range of interests are starting to join and get involved. We encourage more people to do it. I know the member for Murrumba is a very keen wearer of the orange uniform. We look forward to more people getting involved following the advertising campaign.

**CHAIR:** The time for the consideration of the estimates has sadly expired. Minister, I venture to remind you that your answers to questions taken on notice at today's hearing are requested to be with the research director of the committee by 10 am on Friday, 22 July. All that remains is the thankyou.

First, I thank my parliamentary colleagues for the pleasure of their company over the past 12 hours. I thank the Deputy Chair of the committee for the assistance that he has given. Minister, may I thank you and your director-general for attending. I thank all members of the executive arm of government for attending and assisting us with our inquiries.

I especially thank members of our emergency services. I do not even need to consult with my colleagues to know that the whole committee agrees with me on this: we are deeply indebted to our emergency services workers for what they have done for this state, especially in the past year.

I thank the Hansard staff who, with a degree of patience and forbearance that approaches the limits of saintliness, have assisted us by recording our utterances over the past 12 hours and five minutes. I thank the staff of the committee for their diligence and for their efforts. At the end of a long day, I thank all other Parliament House staff for their assistance. Minister, would you like to say something?

**Mr ROBERTS:** I would just add to your thanks. Again, I thank the members of the committee for the questions and interest in my portfolio. I also take the opportunity of thanking the Hansard staff and all of the other parliamentary staff who have supported the committee in its work today and, indeed, other committees.

I thank my own staff for the tremendous amount of work they have done to prepare for these estimates committees. Indeed, I thank all of the departmental staff, through the Director-General and the commissioners, EMQ and all of the agencies and staff who have put a lot of effort into preparing.

I will make a brief comment. I think the new format for the estimates committee is more productive than previous formats. I think the more open dialogue that occurs does enable members of both sides of the House to make important inquiries of both myself, the Director-General and the Commissioner for Police. I thank the committee for the way in which it has conducted these hearings. I think they have been very productive.

I conclude by thanking everyone for the support that they have provided to myself as minister and the Director-General. I thank the committee for the opportunity to appear and to answer questions.

**CHAIR:** This session of the committee is closed. Thank you all very much.

**Committee adjourned at 9.35 pm**